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Legislative Assembly of Ontario

First Session, 39th Parliament

Assemblée législative de l'Ontario

Première session, 39e législature

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Official Report of Debates (Hansard)

Wednesday 12 December 2007

Journal des débats (Hansard)

Mercredi 12 décembre 2007

Standing committee on government agencies

Organization

Comité permanent des organismes gouvernementaux

Organisation

Chair: Julia Munro
Clerk: Douglas Arnott

Présidente : Julia Munro
Greffier : Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 12 December 2007

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 12 décembre 2007

The committee met at 1006 in room 151.

ELECTION OF CHAIR

The Clerk of the Committee (Mr. Douglas Arnott): Honourable members, it is my duty to call upon you to elect a Chair of the government agencies committee. Are there any nominations, please?

Ms. Lisa MacLeod: I nominate MPP Munro.

The Clerk of the Committee (Mr. Douglas Arnott): Mrs. Munro has been nominated. Do you accept the nomination, Mrs. Munro?

Mrs. Julia Munro: Yes.

The Clerk of the Committee (Mr. Douglas Arnott): Are there any further nominations?

Mrs. Liz Sandals: I move that nominations be closed.

The Clerk of the Committee (Mr. Douglas Arnott): There being no further nominations, I declare nominations closed and Mrs. Munro elected Chair of the committee.

The Chair (Mrs. Julia Munro): Thank you very much for placing that confidence in me.

ELECTION OF VICE-CHAIR

The Chair (Mrs. Julia Munro): I would just like to continue with our agenda here and the election of a Vice-Chair. Is there anyone who would like to nominate someone as Vice-Chair?

Mr. Randy Hillier: I would like to nominate MPP MacLeod.

The Chair (Mrs. Julia Munro): Do you accept the nomination?

Ms. Lisa MacLeod: I accept.

The Chair (Mrs. Julia Munro): Are there any other nominations?

Mrs. Maria Van Bommel: I move that nominations be closed.

The Chair (Mrs. Julia Munro): Nominations being closed, I would congratulate you on being the Vice-Chair.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mrs. Julia Munro): I want to draw your attention to the third item on our agenda this morning:

I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the subcommittee be composed of the following members: the Chair as Chair, and three members of the committee—

Interjection.

The Chair (Mrs. Julia Munro): As this is a motion, I'm going to ask that this motion stand in the name of a committee member and that the subcommittee should include MacLeod, Gélinas and Van Bommel.

Mrs. Liz Sandals: Do you want me to move that as if it has been read?

The Chair (Mrs. Julia Munro): Yes. Thank you very much. All those in favour? Agreed.

I would just like to take a few moments here and ask Mr. Arnott to briefly go over some of the mandate of this committee since there are a number of people here who are new to this committee.

The Clerk of the Committee (Mr. Douglas Arnott): I placed at each member's seat a short repetition of the standing order that governs this committee and provides its mandate.

The committee has a two-part mandate. On the first page, the highlighted portion of standing order 106(e) deals with the mandate to review the operation of agencies, boards and commissions of the Ontario government and to conduct those reviews according to certain criteria that are set out in the standing order. The second page deals with the second part of the committee's mandate, which was added to the committee in 1990, and that's the authorization to review intended appointments to agencies, boards and commissions of the Ontario government.

Again, there are rules, procedures and criteria set out in the following pages, the principal steps being on the next pages: the tabling of a certificate showing intended appointees to agencies, boards and commissions; a selection process by the subcommittee, which has just been created today; reporting back by the subcommittee to the full committee; scheduling of intended appointees selected as witnesses before the committee for interviews here; committee determination; and reporting back to the full House.

Those two areas of the committee's mandate have, over time, created quite a bit of work for the committee.

That work is supported by me, as committee clerk, offering procedural advice and administrative support, and by the research service, which also provides two legislative research officers to this committee. Larry Johnston is with us today.

The Chair (Mrs. Julia Munro): Larry, you might want to briefly outline the extent of the kind of research services that are available to members of this committee.

Mr. Larry Johnston: I'd just like the members to know that for each agency that the committee is reviewing or for each appointment to an agency, research prepares a backgrounder. That backgrounder will provide information concerning the agency—for example, its legislative basis, its mandate and responsibilities, its structure, its finances etc.; background on issues that have arisen concerning that agency; and possible lines of questioning for members to raise with witnesses who appear before the committee. If the committee is reviewing an agency, the work of research is a little more extensive. It will involve a backgrounder—along that line, maybe a little more extensive—but also summaries of the committee hearings with an agency and drafting the committee's report under its instructions.

I should also say to members that they can make research requests to the research officers at any point in time, either on your own behalf or on the committee's behalf, through the Chair.

The Chair (Mrs. Julia Munro): Any questions?

Ms. Lisa MacLeod: I'm wondering if it's possible, through the Chair, to have a list of all government agencies that we might possibly review in this committee. I know that we'll probably select, through the subcommittee, who we will have before us, but is there a possibility to have that inventory list?

Mr. Larry Johnston: We can make that attempt. During the last Parliament, when the committee selected agencies for review, there were a couple of instances in which an agency was determined not to be subject to review. So there is a certain lack of clarity, but we can endeavour to give you the best possible list.

Ms. Lisa MacLeod: Thank you.

The Chair (Mrs. Julia Munro): Any other comments or questions? Seeing none, I will move to adjourn this committee and look forward to seeing you in the new year.

The committee adjourned at 1015.

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 19 mars 2008

The committee met at 1003 in room 151.

COMMITTEE REPORTS

The Chair (Mrs. Julia Munro): Good morning. We will begin our proceedings of the standing committee on government agencies. Our first order of business is the report of the subcommittee on committee business dated Thursday, January 3.

Mrs. Maria Van Bommel: The revised report of the subcommittee for January 3:

Your subcommittee considered on January 3, 2008, the selection of intended appointments for committee review, and has agreed to recommend that the following intended appointees from the certificate received on December 20, 2007, be selected for review: official opposition party, no selections; third party, no selections; government, no selections.

I move acceptance of this report.

The Chair (Mrs. Julia Munro): Is there any discussion? If not, all in favour? Opposed? The motion is carried.

The next order of business is the report of the subcommittee on committee business dated Thursday, January 24. Ms. Van Bommel, perhaps you might just move its adoption.

Mrs. Maria Van Bommel: That might be easier. I would like to move adoption of the report of the subcommittee for Thursday, January 24, 2008.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? The motion is carried.

The third order of business is the report of the subcommittee on committee business dated Thursday, February 7, 2008.

Mrs. Maria Van Bommel: I move adoption of the report of the subcommittee for Thursday, February 7, 2008.

The Chair (Mrs. Julia Munro): Is there any discussion? If not, all in favour? The motion is carried.

The next order of business is the report of the subcommittee on committee business dated Thursday, February 14, 2008.

Mrs. Maria Van Bommel: I move adoption of the report of the subcommittee for Thursday, February 14, 2008.

The Chair (Mrs. Julia Munro): Any discussion? All those in favour? The motion is carried.

The next order of business is the report of the subcommittee on committee business dated Thursday, February 21, 2008.

Mrs. Maria Van Bommel: I move adoption of the report of the subcommittee for Thursday, February 21, 2008.

The Chair (Mrs. Julia Munro): Any discussion? All those in favour? The motion is carried.

The next order of business is the report of the subcommittee on committee business dated Thursday, March 6, 2008.

Mrs. Maria Van Bommel: I move adoption of the report of the subcommittee for Thursday, March 6, 2008, as revised.

The Chair (Mrs. Julia Munro): Any discussion? All those in favour? The motion is carried.

The next order of business is the report of the subcommittee on committee business dated Thursday, March 13, 2008.

Mrs. Maria Van Bommel: I move adoption of the report of the subcommittee for Thursday, March 13, 2008.

The Chair (Mrs. Julia Munro): Any discussion? All those in favour? The motion is carried.

INTENDED APPOINTMENTS

JOAN LOUGHEED

Review of the intended appointment, selected by the official opposition: Joan Lougheed, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

The Chair (Mrs. Julia Munro): We now move to appointment reviews. Our first review is with Joan Lougheed, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

Ms. Lougheed, please come forward. Good morning, and welcome to the committee.

As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. Just to let you know, we will be commencing questioning today with the official opposition, but each party will have 10 minutes allocated for questions, and we will go in rotation. As is the practice of this committee, any time you take for your statement will be deducted from the time allocated to the government party. Please begin.

Ms. Joan Lougheed: Madam Chair and members of the committee, thank you so much for the opportunity to present myself and my qualifications for a position on the board of the Alcohol and Gaming Commission of Ontario. I know that you already have an overview in the resumé that has been provided, and I'd like to talk to you a little bit today about the process that brings me here.

My search for the next chapter in my working career has been taken with a lot of care and deliberation. I have been seeking a role that enables me to continue to make a contribution to the community; one that is challenging and makes full use of the skills and experience I've gained over the years.

I believe that my capacity for hard work under challenging circumstances was clearly demonstrated when I ran in two major political campaigns, back to back: the mayoral campaign in Burlington, followed almost immediately by the Burlington provincial by-election in February of last year.

But more importantly, I believe that the skills and experience gained in 15 years as an elected official give me qualifications and grounding that will be needed to be an active and contributing member of the board. During my tenure in municipal government, I represented one of the busiest and most diverse wards in the city. It included the downtown core, which encompassed arts, culture, heritage, retail and commercial activity. There was the waterfront rejuvenation and the city's largest park. I spent a great deal of time working with citizens in a variety of well-established high- and low-density neighbourhoods and also with businesses that were immediately adjacent. We were all working to revitalize the area, and I can tell you that it was a truly exciting period of incredible change and progress.

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During this time, I worked closely with several restaurants, bars and nightclubs. In fact, one of those nightclubs became quite notorious. It was through developing partnerships with the business owners and working with the fire and police departments, bylaw enforcement officers, the neighbours and even the taxicab companies, that this effort received recognition and, in fact, an international award. It was presented to all the participants through Halton Regional Police Services. I'm very proud of this, as I am of other initiatives.

There were many times when I would work with businesses and residents who were going to be involved in hearings related to licensing. Helping them understand city bylaws, enforcement and their responsibilities was part of the support and counsel I provided. Having an appreciation of the links between the governing laws and regulations, understanding provincial legislation and municipal bylaws, and having governance experience in building community were really essential to me in my role as a councillor, and I believe they are going to be equally important when working with the large and diverse portfolio of the AGCO.

Over the years, I earned a reputation for being able to make difficult decisions using common sense and fairness as my guides. Problem-solving, mediation and creative approaches were key elements. A resident once told me that he didn't always agree with me, but he always respected the fact that I came prepared, that I had done my homework before coming to a decision. I consider this one of my greatest compliments.

There are times when a person knows it is time for change. Early in 2006, I knew I would not run again as a ward councillor. As I considered my future options and explored what I would do next, I talked with a number of people, including Joyce Savoline, who was then a regional councillor; I talked with former colleagues who had received public appointments; I even spoke with the chief of police and the city solicitor. It was my desire to continue in public service.

As a city and regional councillor, I had already served as a provincially appointed member of the Halton-Peel District Health Council, at that time, and the Halton Regional Police Services Board as well. So I had an understanding of the process of appointments and the opportunities that are available through the Public Appointments Secretariat.

I did my research and found I was really attracted to the depth and breadth of the portfolio of the commission. Knowing that there was a vacancy on the AGCO board, I submitted my application. I have to tell you that I underwent one of the most thorough police checks I have ever been through, and that brings me here today.

Ladies and gentlemen, as a member of the AGCO board, I will bring diverse skills, experience, a strong work ethic, and a sound track record in advocacy, fairness and decision-making. I am proud to have earned the respect of my colleagues locally and nationally, and of citizens in the workplaces and communities in which I have served.

If appointed, I will serve with dedication and hard work. I understand the demands of the position, and I look forward to once again serving the public to the best of my ability as a member of the board of the Alcohol and Gaming Commission of Ontario.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move to the official opposition and Ms. MacLeod.

Ms. Lisa MacLeod: Welcome, Joan. Congratulations on your distinguished career of public service in the city of Burlington and for being chosen to represent yourself here today. That's no small feat. Anybody who is crazy enough to want to serve the public and to put themselves in front of this group—I know it takes a lot of courage too.

I have a few questions, just relating to your background and tying it in a little bit more to the job you have been chosen for and that you're here because of.

You did not mention which political party you ran for in 2006. I thought it might be helpful for some of us who were just being elected at the time, and the two new colleagues here, if you could just let us know which party that was.

Ms. Joan Lougheed: I ran as a Liberal candidate.

Ms. Lisa MacLeod: Okay. Just to move along then, you did mention at the beginning that you were looking to create a new career choice for yourself, whether that was running for mayor or running to become an MPP, and that was sort of the impetus of making a decision today to move toward the Alcohol and Gaming Commission of Ontario. What wasn't clear to me was how that process evolved. Can you enlighten us today on whether or not you had approached the governing party, or if they had approached you, in terms of applying for this position?

Ms. Joan Lougheed: Actually, I had already undertaken some investigation into the public appointments that were available even prior to the mayoral race getting under way. My decision not to run as a ward councillor was made before I knew that the mayor of Burlington in fact was not going to run again. So it was not my intention to run against Rob MacIsaac, who was a very popular mayor in Burlington.

The approach was not by the Public Appointments Secretariat; it was part of my job search.

Ms. Lisa MacLeod: Did you speak with anyone in the Liberal Party about this position?

Ms. Joan Lougheed: Actually, I did a fair bit of research. I was on the Internet, and I also met with the chair of the AGCO—not specifically with the Liberals. The chair of the AGCO agreed to meet with me—that was last year as well—in terms of providing me with a little more background, because it wasn't a committee that I had full knowledge and understanding of; I had elements. So I felt I needed to have a little more information before making that application.

Ms. Lisa MacLeod: So basically you haven't spoken to any Liberal MPPs or any Liberal staff regarding this position prior to today?

Ms. Joan Lougheed: No.

Ms. Lisa MacLeod: I'm just further curious—and I appreciate your answer on that: Was the job of a Burlington city councillor a full-time job, as it is in the cities of Ottawa and Toronto?

Ms. Joan Lougheed: Yes.

Ms. Lisa MacLeod: It is. And what would roughly be the pay scale there?

Ms. Joan Lougheed: It was combined, because we sat on both the city and regional government. Our combined salary was around $86,000.

Ms. Lisa MacLeod: And it was a full-time job.

Ms. Joan Lougheed: That's correct.

Ms. Lisa MacLeod: And you're aware of the remuneration for this position?

Ms. Joan Lougheed: Yes. I understand it's around $90,000.

Ms. Lisa MacLeod: So, similar; it's almost as if it were a replacement.

Ms. Joan Lougheed: Yes.

Ms. Lisa MacLeod: Are you fully aware of the chief role of the AGCO?

Ms. Joan Lougheed: Yes, I think I am.

Ms. Lisa MacLeod: Okay. Could you elaborate maybe a little bit more—I know you have an extensive background in public service—on how you think that what you've done in the past as a city councillor and in your work with the FCM would relay into the AGCO with respect to lotteries and licensing? Have you ever sat on a tribunal, for example?

Ms. Joan Lougheed: In fact, I've had a number of experiences on tribunals. As you know, in the municipal environment we are in public hearings all the time as it relates to development applications. That's every two to three weeks, in fact, that the standing committee meets to hear those applications, and those hearings are conducted under legislation as well, so we have to work within that framework in coming to our decision. I was also a member of the Halton Housing Corp. and served on the subcommittee for the housing tribunal. I think the most interesting smaller-scale quasi-judicial group that I sat on was a fence dispute committee. It was probably more challenging—

Ms. Lisa MacLeod: Trust me: We've been through committees here where that comes up, so I understand.

Ms. Joan Lougheed: When you get into boundary disputes, it's always interesting.

Ms. Lisa MacLeod: Yes. Well, I think that we'll move on, unless my colleague has any more questions at this time. Perhaps at the end?

Thank you, Ms. Lougheed.

The Chair (Mrs. Julia Munro): All right. Thank you very much, and we'll move on to Ms. Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park, Ms. Lougheed. I too would have a few questions for you.

The first one is, I was a little bit surprised to see in your resumé that you still hold your licence for nursing.

Ms. Joan Lougheed: I do. We do a self-review of competency, and that's done on an annual basis. I'll be honest: There was a point in my political career, when it became full-time, that I considered whether it was worth going through that self-evaluation or whether I was still current, but, in doing that, I realized that many of the initiatives that I was involved in—from an environmental perspective, social infrastructure, health and well-being and building community—very much reflected a nursing capacity, even in the work I was doing in an elected position. So whether it was on the district health council or working on housing initiatives, they still reflected a nursing capacity and I still met the qualifications required under the College of Nurses.

M^me^ France Gélinas: Okay. Very good.

My riding is Nickel Belt. It is in northeastern Ontario. I would be interested in understanding a little bit more your knowledge of the facts of life about alcohol and gaming in northern Ontario.

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Ms. Joan Lougheed: I don't think I can speak specifically to that. Again, it's an area where I know that there's a lot of work, a lot of studies that have gone on. There are organizations that are providing community support. This being gambling addiction month, I know

there have been a number of things in the papers as well. I don't think I'm well versed to answer that specifically for the north, and I would expect that that will be part of my orientation to bring me up to speed on some of the issues.

M^me^ France Gélinas: Okay. My next question also builds a little bit on the reality of northern Ontario, where we are home to most of the First Nations in Ontario. I was wondering what your knowledge and capacity is toward alcohol and First Nations, gaming and First Nations; if you could expand on that.

Ms. Joan Lougheed: Well, I know that there are some gaming initiatives, the Blue Heron in Port Perry and certainly Rama, that have been very successful. I don't know if First Nations people are looking to pursue other opportunities and where they stand on the initiatives that are under way. Again, those are issues that I would have to be brought up to speed on.

M^me^ France Gélinas: Okay. I would say there's a long learning curve ahead of you, so good luck.

Ms. Joan Lougheed: I understand that.

M^me^ France Gélinas: Those were my questions.

The Chair (Mrs. Julia Munro): Thank you very much. We do have three minutes remaining on the government side, if you wish to make some comments.

Mr. Kevin Daniel Flynn: Joan, it's great to see you here. You've got a great resumé here, and I think you've got a very extensive background. You and I had some dealings in the past as members of the same council for a good many years. Two issues I'd like you to expand on, two of the things I think you've raised yourself this morning, are your involvement with the police services board and how that might aid you as we move forward, and also your involvement with zoning issues. You spoke about a nightclub, and I think I know which nightclub you mean. Certainly zoning—

Interjection.

Mr. Kevin Daniel Flynn: Not in that way; I've heard about this nightclub. I've never been to the nightclub. I know it took an awful lot of work to solve that issue within the city of Burlington. I wonder if you could just expand on that experience a little bit as well.

Ms. Joan Lougheed: There were two major nightclubs in the city, so you might be thinking about either/or, but I think they're both reflective and certainly they created some challenges for us both in the capacity for those facilities, the challenges in maintaining a safe environment from a fire perspective and the policing of it as well. So when their licences came up for renewal, there was a lot of community interest in what was going to happen, or if there had been a charge against them as well. Certainly the city was very actively involved because the draw on resources from a community perspective was huge. I think as a hearing officer I have some experiences that I would bring to the table that would prove to be valuable. When you're dealing with the public, you're dealing with building committee—it isn't just a ruling on a technical basis; I think you have to consider all of the evidence before coming to a decision on what is the best outcome for the business as well as for the community at large.

In terms of my work with the Halton Regional Police Service, I think that when I left municipal politics, the endorsement of the chief of police, a couple of letters I received from staff sergeants because of the partnerships that we had—I've always taken the approach that it's not you against us; we're not in different camps; we're really working together. That was very critical. I think, as you look at the role of the Alcohol and Gaming Commission, it's just as important that you understand the linkages between the legislation, between building healthy communities, supporting business and having sensitivity to citizens as well. Those experiences were my learning curve in that regard.

Mr. Kevin Daniel Flynn: Thank you very much.

The Chair (Mrs. Julia Munro): I believe, Ms. MacLeod, you had something more. We have two minutes left.

Ms. Lisa MacLeod: Sure. I have two very quick questions. You consider service on this agency to be part of your political activity or public service. I'm just wondering if your political affiliation will have an impact on your decisions on this committee.

Ms. Joan Lougheed: I don't think it will at all.

Ms. Lisa MacLeod: Okay. I have a question: What is your view on the sale, or the possible sale, of the LCBO—on the privatization of the LCBO? Could you provide that to us?

Ms. Joan Lougheed: I don't have a position at this point in time. You can have some assumptions as a citizen on what you read in the paper but I will say that, from political experience, you know that what you read in the paper may not necessarily cover all the details that you need to make an informed decision. I don't know what has brought it to that point, I don't know what all the points of consideration are, and I would need to have that information in hand.

Ms. Lisa MacLeod: Okay, thank you very much, Ms. Lougheed. I appreciate the opportunity today.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the time that we have allocated. You may step down.

Ms. Joan Lougheed: Thank you very much.

JACQUELINE CASTEL

Review of intended appointment, selected by official opposition party: Jacqueline Castel, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

The Chair (Mrs. Julia Munro): Our second interview is with Jacqueline Castel, the intended appointee as member of the Alcohol and Gaming Commission of Ontario board of directors. Please come forward. Good morning, and welcome. As you may know, you have an opportunity, should you wish to do so, to make a few remarks, and subsequent to that, there will be questions from the members of the committee. In rotation, we will

begin with the third party. Again, as I'm sure you know, we have allotted 10 minutes for each, and we will go in rotation. You may begin.

Ms. Jacqueline Castel: Thank you, Madam Chair and committee members. It's a pleasure to be here today. I certainly appreciate the opportunity to be able to highlight and elaborate on my relevant experience and qualifications for the position of part-time board member of the AGCO.

I am a lawyer by profession, a graduate of the University of Toronto faculty of law, and was called to the Ontario bar in 1993. I would bring to the board of the AGCO approximately 15 years of experience in the areas of gaming law and regulatory compliance.

I began my career in gaming with the Ontario government, specifically with the Ontario casino project, where I was involved in researching and recommending models for casino regulation and ultimately in providing drafting instructions for the Gaming Control Act regulations on casinos.

When the Gaming Control Commission was established in 1994, I went to work for this agency. I was responsible for setting up and administering the agency's first compliance program for casinos, and I also served in the capacity of deputy registrar. In this capacity, I administered the regulations governing casinos and gaming suppliers, developed policy, reviewed and approved regulatory submissions, and made registration suitability decisions.

In 1995, while still employed by the Gaming Control Commission, I assisted the government of Nova Scotia in drafting its gaming legislation and in setting up its regulatory agency for casinos.

For the last 11 years, I've worked as general counsel and chief compliance officer for two commercial casinos in Ontario: Casino Niagara between 1996 and 1998, where I was part of its opening team; and Casino Rama between 1998 and the end of October 2007. As chief compliance officer, I designed, implemented and enforced the companies' regulatory compliance programs, which included programs for complying with the Gaming Control Act and the Liquor Licence Act. This involved developing compliance procedures with checks and balances built into them, writing compliance handbooks, designing compliance training programs, training senior staff on regulatory compliance, and chairing the compliance committee.

Since retiring from Casino Rama at the end of October 2007, I've done consulting work for the AGCO on gaming policy as it pertains to casino regulation, and for the New Brunswick Lotteries Commission. For the New Brunswick Lotteries Commission, I have provided drafting instructions for its new gaming legislation on casinos, and am assisting with the set-up of its regulatory agency.

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I have written a legal textbook on gaming control law in Ontario which was published by Canada Law Book in 2002 and which I update annually to include the most recent developments in the law in this field. The book includes chapters on casino law, charitable gaming, lotteries, liquor compliance and setting up an effective regulatory compliance program. I recently completed an update to the chapter of the book on lotteries to incorporate the new Gaming Control Act regulations governing lottery retailers and equipment suppliers and disputes over lottery winnings.

I have written and spoken quite widely on the subjects of regulatory compliance, gaming, liquor and currency reporting law and compliance.

I am also a member of the International Association of Gaming Attorneys and the International Masters of Gaming Law.

In summary, I believe my legal background, and my 15-year career in the gaming industry, would make me a strong member and contributor to the board of the AGCO, and it would be my honour to serve on the board of this important agency.

Thank you, and I'm happy to answer any questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll go to Ms. Gélinas.

M^me^ France Gélinas: Again, welcome to Queen's Park. With a name like Jacqueline, do you speak French?

Ms. Jacqueline Castel: I do speak French. My French, unfortunately, is a little bit rusty. My father is French, and I grew up speaking French part of the time at home, but I haven't really had the opportunity to practise it for many years.

M^me^ France Gélinas: No problem.

I was curious to see what motivated you to apply for this position with AGCO when you could have continued to provide legal counsel to a lot of their members and a lot of their agency. What motivated you for this position?

Ms. Jacqueline Castel: I was interested in having a change. I relocated to Mississauga about 18 months ago, prior to the birth of my daughter, and I was finding the commute between Mississauga and Orillia, where I was living and working at the time, too difficult. I actually didn't apply specifically to the board of AGCO; I was interested in serving on a board with quasi-judicial powers and applied online to about seven or eight boards. Obviously, given my gaming background, I had a particular interest in the board of the AGCO, but I didn't apply specifically to this position.

M^me^ France Gélinas: You applied online; then they responded back to you?

Ms. Jacqueline Castel: Yes, I applied online and then, given my background in gaming law, I also sent a note with my resumé to the chair of the board of the AGCO, David Gavsie, and I met with him in early November about the possibility of an appointment to the board.

M^me^ France Gélinas: How did that meeting go?

Ms. Jacqueline Castel: It went very well.

M^me^ France Gélinas: It went very well. Okay. And a similar question—what was your interaction with and your knowledge of northern Ontario gaming and alcohol licensing?

Ms. Jacqueline Castel: I really haven't had a lot of exposure to gaming in northern Ontario. Orillia is probably about as far north as I've had direct exposure to. I'm aware that there are one or two charity casinos and slot facilities in northern Ontario.

M^me^ France Gélinas: In working for Casino Rama, do you feel you have a good knowledge of First Nations' needs—I would call them special needs—toward gaming and alcohol?

Ms. Jacqueline Castel: More so gaming, but yes. Casino Rama is obviously located on a First Nation reserve. I had a very good working relationship with the Chippewas of Mnjikaning First Nation, and I have had the opportunity to research some of the First Nations issues around gaming and their various legal disputes with respect to the government in writing my book on gaming control law.

M^me^ France Gélinas: I would be curious to know, what is your opinion of off-site betting for racetracks?

Ms. Jacqueline Castel: I don't really have an opinion on that subject.

M^me^ France Gélinas: That's okay. Those were my questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll go to Mr. Hillier.

Mr. Randy Hillier: Thank you very much for coming here today. I listened with interest to your recap of your activities involved with various casinos. One of the things that piqued my interest was your extensive compliance background—writing about regulatory compliance and being involved with aspects of compliance. In my community, that has, of course, been a very significant problem for many of the licensed establishments dealing with the Alcohol and Gaming Commission and this very one-size approach with regard to compliance.

I'm sure there are some bad bars down in Burlington; there are not too many up in my country, but they're often treated the same way. I'm wondering, when you wrote your compliance books, what mechanism did you use to get out into the community to hear or, after writing them, to evaluate your compliance regulations?

Ms. Jacqueline Castel: Are you talking about compliance on the gaming side or the liquor side?

Mr. Randy Hillier: These are mostly liquor establishments. But the same would apply—what mechanism would you use to evaluate yourself and evaluate your regulations to see if they are indeed appropriate and functioning the way you intended them to?

Ms. Jacqueline Castel: I haven't done anything to evaluate the regulations myself, as for the last 11 or 12 years I have no longer been working for the government; I've been working for organizations which are responsible for complying with the legislation. Although, I would suggest that a way of evaluating the effectiveness of the legislation would be by looking at the number of infractions, the type and seriousness of infractions, and conducting audits and inspections to evaluate whether the risks that the regulations are designed to minimize are in fact being addressed.

Mr. Randy Hillier: I think that's one of the great things we have to be aware of when we make decisions, whether they be regulatory compliance or whatever: that we have some mechanism to evaluate after and audit ourselves to make sure they are achieving the objectives.

One other question is, what are your thoughts and views about community gaming—local bingos and community fundraising? Do you believe there is a significant role for the community and local bingos, or that it ought to be all under the control of the province? Why I ask that is, a number of our local bingos are facing significant hardship staying in business, contributing to our local associations, and that doesn't seem to be lessening in any degree at all.

Ms. Jacqueline Castel: I certainly believe that charitable gaming is an important tool for fundraising for many charitable organizations. I recognize that revenues from charitable gaming have declined in recent years with the stiff competition from commercial casinos, OLG casinos and OLG lottery products. But I still believe that there is a significant role for charity gaming and that it's an important fundraising tool.

Mr. Randy Hillier: Hopefully, we can see down the road that there would be a greater understanding in the Alcohol and Gaming Commission of the value of that local charitable fundraising, how important it is to our province and our local communities.

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The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Welcome, Ms. Castel. I have some very brief questions for you. First of all, have you ever been a member of or a donor to a political party in Ontario?

Ms. Jacqueline Castel: No, I have not.

Ms. Lisa MacLeod: No? Okay.

I do notice that you have applied to several boards within the Ontario government, as wide-ranging as this one, which is alcohol and gaming, to the Ontario Racing Commission, police arbitration, and the labour relations board. I'm wondering: How did you hear about these appointments? Was this undertaken completely by your own initiative? Have you spoken with anyone in the Liberal Party or in the Premier's office?

Ms. Jacqueline Castel: No, I haven't spoken to anyone, other than, as I indicated before, after applying I met with David Gavsie, the chair of the AGCO board. I applied online, and they were simply boards that I would have been interested in serving on. I obviously had a specific interest in the AGCO board, given my background in gaming, but there were a number of other boards I would have been interested in as well.

Ms. Lisa MacLeod: Given your extensive background in gaming and your connections to Casino Rama and Casino Niagara—as well, one of your references is from Casino Niagara—do you think that would raise any questions about you being an overseer of your former employers?

Ms. Jacqueline Castel: I can appreciate the perception of conflict, and I would suggest that it may be appropriate for me to refrain from participating in any decisions regarding Casino Rama in any case for a period of time, perhaps a year. But I would like to note that there are thousands of licensees and registrants, and Casino Rama is only one of thousands. In the last 14 years, or since the inception of the agency, I'm not aware of there having been any hearings before the board involving a casino operator. The board's jurisdiction in relation to casino operators is fairly limited; most of the power under the legislation rests with the registrar. And it's my understanding that most of the hearings will be on the liquor side.

Ms. Lisa MacLeod: Who told you that most of the hearings are on the liquor side? Is that from personal research, or is it from your meeting with the chair?

Ms. Jacqueline Castel: David Gavsie, and also from personal knowledge.

Ms. Lisa MacLeod: So that's where you learned that it's unlikely that Casino Rama would come before your tribunal?

Ms. Jacqueline Castel: It's unlikely. It's possible, but unlikely. As I said—

Ms. Lisa MacLeod: And you would recuse yourself if that ever became the case?

Ms. Jacqueline Castel: Yes. I would suggest that that would be appropriate for a period of time.

Ms. Lisa MacLeod: Have you spoken to the chair about this?

Ms. Jacqueline Castel: No.

Ms. Lisa MacLeod: In terms of your mentioning that perhaps for a year you would recuse yourself—that has not come up in discussion with the current chair?

Ms. Jacqueline Castel: We didn't discuss that during our meeting.

Ms. Lisa MacLeod: Would this be a personal decision to recuse yourself, or will this be a decision by the board? Would you bring that up?

Ms. Jacqueline Castel: I would discuss it with the chair.

Ms. Lisa MacLeod: Okay. Thank you very much, Chair.

The Chair (Mrs. Julia Munro): We have some time remaining. Any further comments? All right. Thank you very much for being here today.

SIVAM VINAYAGAMOORTHY

Review of intended appointment, selected by official opposition party and third party: Sivam Vinayagamoorthy, intended appointee as member, Mississauga Halton Community Care Access Centre.

The Chair (Mrs. Julia Munro): Our third interview is with Sivam Vinayagamoorthy, the intended appointee as member of the Mississauga Halton Community Care Access Centre.

Welcome. Thank you for coming. As you will have heard from the others, you have the opportunity to make a few comments, and subsequently we'll have questions from the members of the committee. So it's all yours.

Mr. Sivam Vinayagamoorthy: Madam Chair, thank you for this opportunity to appear before your committee to discuss my innate desire to be a part of the public service.

"The best way to find yourself is to lose yourself in the service of others." When I first read this quote from Mahatma Gandhi about 10 years ago, it made me realize that having a life of 9-to-5 work and weekends with the kids in front of the TV set did not make me happy. That's when I realized I could do more with my free time to help others. I joined the Mississauga hospital as a volunteer, the Mississauga Sai Baba centre as a volunteer coordinator, the Churchill Meadows Residents' Association etc—so many volunteer groups. Looking back, I always knew that I wanted to be part of the community action group. Ever since my childhood, I have detected in myself a certain compassion and innate desire to help others, and took part in many volunteer projects. Today, as a father of two teenage kids, I still desire to help others who are not so fortunate.

You may ask: Why this? I chose to apply for this for a number of different reasons. My enthusiasm to be part of the community care access is simple; I want to be part of the group to develop and advocate policy decisions that will benefit society as a whole, not just a few influential special interest groups. I also believe, with my experience and working with Peel seniors, I could bring some valuable insights.

One reason I particularly enjoy public service and the challenges that go along with it is the opportunity to connect with people. I am even more convinced that this board is right for me. On the road to "Love all, serve all," I've encountered twists and turns and some detours. It is unquestionably the hardest battle I could fight. However, in the process, I accumulated a tremendous amount of valuable experience and knowledge. My diversity of experience is my biggest asset. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the government. Comments? Okay; thank you. We'll move, then, to Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, sir, for your appearance here today. I'm just curious: Have you ever been a member of a political party or a donor?

Mr. Sivam Vinayagamoorthy: Yes, I do.

Ms. Lisa MacLeod: Would you care to elaborate on that, with your political activities?

Mr. Sivam Vinayagamoorthy: I'm just an ordinary Liberal Party member.

Ms. Lisa MacLeod: "An ordinary Liberal Party member"?

Mr. Sivam Vinayagamoorthy: Yes.

Ms. Lisa MacLeod: Have you ever donated to the Liberal Party of Ontario or Canada?

Mr. Sivam Vinayagamoorthy: I did in the past.

Ms. Lisa MacLeod: Are you a member of—any other activities with the Liberal Party? I see from some of our research that you have made substantial contributions to

the Liberal Party—totalling $3,817 in 2006—and that you're also a member of the GTA Liberal bloggers. I find this curious because your reference is Harinder Takhar, the minister responsible for small business.

Mr. Sivam Vinayagamoorthy: He is my MPP. I did some volunteer services with the party in my riding, but I have resigned from most of the activities right now.

Ms. Lisa MacLeod: I just have a further question with respect to that. Were you approached by Mr. Takhar to fill this vacancy?

Mr. Sivam Vinayagamoorthy: No, ma'am. You can go through your research and see that I always go online if I see any board of any public service, as a part-time, I always apply—

Ms. Lisa MacLeod: Okay, the difference is that the person who spoke before you—we did see in her application that she had applied for 11 boards. It does say here that you've applied for one board and it was the community care access centre here in Mississauga and that your reference is Harinder Takhar. I'm just wondering, in light of that fact that you're a substantial donor to the Liberal Party—

Mr. Sivam Vinayagamoorthy: I'm not that—

Ms. Lisa MacLeod: Well, most people—I'm a member of a political party and I can tell you that $50 is a lot for one person. So I'm curious as to the political motivation behind this position and this appointment.

Mr. Sivam Vinayagamoorthy: Nobody approached me, honestly. I'm telling you again, I went online. If you can go back and talk to the public service and find out, last year before the—I always go online and I apply for several boards.

Ms. Lisa MacLeod: Okay, well let's change tracks, then. Perhaps you can tell us a little bit more about your role with the CCAC, if and when you're appointed, and what you see as the most obvious need, as you take on this appointment, in your region, but also in the rest of Ontario.

Mr. Sivam Vinayagamoorthy: There are lots of things I can do. I can work with the chairman of the board and implement there, whatever—the Ministry of Health community care access guidelines. We'll go through that and implement the future plans. I can work with it. I went through lots of things. I was volunteering with the seniors' homes. My wife and I go every March and October and do lots of volunteer service. For example, we service wheelchairs free of charge for nursing homes. I see lots of things I can do there.

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Ms. Lisa MacLeod: Specifically, could you list about three?

Mr. Sivam Vinayagamoorthy: Specifically, home care. We are improving Peel region.

Ms. Lisa MacLeod: So home care.

Mr. Sivam Vinayagamoorthy: Home care, for an example. I'm saying that there are lots of things to be improved.

Ms. Lisa MacLeod: Okay. Specifically, what do you bring to the table on this CCAC?

Mr. Sivam Vinayagamoorthy: Home care, as an example: We are reducing the waiting period. In health care, there are of waiting periods in some of the areas.

Ms. Lisa MacLeod: So you believe you're qualified to be on this CCAC?

Mr. Sivam Vinayagamoorthy: Yes. Even though my field is engineering, on the weekends my volunteering is mostly involved with seniors. In fact, I'm an associate member of one of the seniors' clubs. I can't be a senior yet, right?

Ms. Lisa MacLeod: That's good for you, I guess.

Health care is obviously one of the most important priorities of any elected official, regardless of political party. I would point out that I think it's really important that we have people involved in this particular area, in CCACs, who know what they're doing. I would like to know how you would go about implementing the board's mandate.

Mr. Sivam Vinayagamoorthy: I would do more research. I already did some. I will work with the other board members to implement whatever that feature—

Ms. Lisa MacLeod: Do you know what the board's mandate is?

Mr. Sivam Vinayagamoorthy: Yes.

Ms. Lisa MacLeod: Could you clarify that for those of us that are from different regions, other than Mississauga and Halton?

Mr. Sivam Vinayagamoorthy: Funding, budgeting—I can explain more, but in shortened form, they manage community care access centres.

Ms. Lisa MacLeod: Could you share some of the research that you've just told us that you've undertaken on the CCAC?

Mr. Sivam Vinayagamoorthy: Nursing home funding—I did lots of work, but it's hard to explain to you.

Ms. Lisa MacLeod: Okay, that's enough. Madam Chair, thank you.

The Chair (Mrs. Julia Munro): Thank you.

Mr. Sivam Vinayagamoorthy: Indirectly, health-care-related social services, supplies and acute care, for example. I did lots of research, but I don't know how to—

The Chair (Mrs. Julia Munro): Okay, thank you very much. We'll move on to Ms. Gélinas.

M^me^ France Gélinas: Thank you for coming here this morning. I happen to be the health critic, so health care is a portfolio I know very well. I wanted to know: What is your knowledge of home care?

Mr. Sivam Vinayagamoorthy: By volunteering over the years, I've been to several nursing homes, several hospitals, chronic care units. That is my hands-on experience.

M^me^ France Gélinas: That is not home care, though, sir. Home care is care that is delivered in the home, not in a nursing home, not in a hospital. What is your knowledge of long-term care? CCACs are responsible for long-term-care placement. What is your knowledge of that field?

Mr. Sivam Vinayagamoorthy: It's a publicly funded agency, and they look after all the nursing homes, home care service, clients in determining eligibility, and purchasing arrangements on behalf of proposals—case referral, case management, all these things, but community care access mostly.

M^me^ France Gélinas: Are you aware that community care access centres use competitive bidding to give contracts for home care?

Mr. Sivam Vinayagamoorthy: Yes, I am.

M^me^ France Gélinas: What do you think of this process?

Mr. Sivam Vinayagamoorthy: I heard of this in the newspapers several months ago. I really want open transparency. For example, somewhere in Hamilton, the minister went over the bidding process and he automatically gave it to the previous one because of the good service, the quality of the service, I can say.

M^me^ France Gélinas: That's not exactly what Minister Smitherman did. He halted the bidding process in Hamilton so that they could review it. So it could very well be that there will be a new process at the CCAC for home care. In your view, is the bidding process to give out home care contracts something that serves the people of Ontario well or not?

Mr. Sivam Vinayagamoorthy: Can you repeat the question?

M^me^ France Gélinas: In your values, do you think the competitive bidding process is something that serves the people of Ontario well or not well?

Mr. Sivam Vinayagamoorthy: Well. Open bidding is better.

M^me^ France Gélinas: Okay. Do you understand how the bidding process works?

Mr. Sivam Vinayagamoorthy: Yes, I do.

M^me^ France Gélinas: Could you explain it a little bit?

Mr. Sivam Vinayagamoorthy: Like any other departments, they open tenders. Whoever is qualified and the price is right, with the quality there, they will go for it.

M^me^ France Gélinas: Are you aware that there are a lot of for-profit companies that bid for those contracts?

Mr. Sivam Vinayagamoorthy: Yes, I do.

M^me^ France Gélinas: What are your views toward for-profit companies providing public health care?

Mr. Sivam Vinayagamoorthy: At this present moment, I can't comment on that because I am not a member of the board.

M^me^ France Gélinas: I just wanted to know your values. What are your values toward medicare? What are your values toward private, for-profit companies in public care?

Mr. Sivam Vinayagamoorthy: Again, I want to emphasize that I'm a believer in a publicly funded health care system, and a private health care system is going to put down the poor and needy.

M^me^ France Gélinas: Sorry?

Mr. Sivam Vinayagamoorthy: I'm a firm believer in the public health care system, so I'm not a supporter of the private.

M^me^ France Gélinas: You don't support private? Could you tell us if, once you're at the CCAC board, you would hold those same values and speak against private companies?

Mr. Sivam Vinayagamoorthy: No, no. If most of the nursing homes are run by private companies—

M^me^ France Gélinas: I was talking home care.

Mr. Sivam Vinayagamoorthy: Home care. At this moment I can't comment on that, ma'am, because my beliefs are in a public health care system and I have to do more research on that.

M^me^ France Gélinas: Okay, so your values, your beliefs, are that you want the health care system to be public?

Mr. Sivam Vinayagamoorthy: Yes, ma'am.

M^me^ France Gélinas: And is it also that a for-profit health care system is not part of your values?

Mr. Sivam Vinayagamoorthy: No, no.

M^me^ France Gélinas: Okay. And is this something that you will be bringing to the CCAC, the community care access centre?

Mr. Sivam Vinayagamoorthy: Yes, I will.

M^me^ France Gélinas: Okay.

How do I know how much time I have left?

The Chair (Mrs. Julia Munro): You have about two minutes left.

M^me^ France Gélinas: Okay. I wanted to talk to you about long-term care. If you read the newspaper, you'll hear that there are problems in long-term care regarding the quality of the care that the people in long-term care receive. Do you have an opinion on that?

Mr. Sivam Vinayagamoorthy: At this moment, again, I am not appointed yet. I read, like you said, in the newspapers that there is lots of room to improve the service.

M^me^ France Gélinas: There's lots of room to improve the service? So would you say that you agree that the level of care in nursing homes and homes for the aged needa to improve?

Mr. Sivam Vinayagamoorthy: Some of the places, yes.

M^me^ France Gélinas: Here again, you are aware that there are for-profit, long-term-care homes in our health care system?

Mr. Sivam Vinayagamoorthy: I'm not sure yet. I'll have to look into it.

M^me^ France Gélinas: Well, I can tell you that there are for-profit long-term-care providers right now. As I said before, you've told us that your values were for a public health care system. So here again, is this something that you would be willing to speak against once you're on the CCAC board?

Mr. Sivam Vinayagamoorthy: Yes, if the time is right and I've looked into it. Anything that is good for the public health care system, I will speak for that.

M^me^ France Gélinas: Okay. Those were my questions.

The Chair (Mrs. Julia Munro): Thank you very much for coming here today. That concludes the questioning. Thank you for your participation.

Mr. Sivam Vinayagamoorthy: Thank you, ma'am.

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BRIAN DESBIENS

Review of intended appointment, selected by official opposition party: Brian Desbiens, intended appointee as chair, Education Quality and Accountability Office board of directors.

The Chair (Mrs. Julia Munro): Our fourth and final interview today is with Brian Desbiens, the intended appointee as chair, Education Quality and Accountability Office board of directors.

Good morning, and welcome. Thank you for coming forward. As I'm sure you've heard from my previous instructions, you have an opportunity, should you chose to do so, to make an initial statement, and subsequent to that we will have questions from the members. Please proceed.

Dr. Brian Desbiens: Thank you, Madam Chair, and good morning everyone. I have a prepared statement and I've given a copy to you, so I'll follow along that, and then we'll get into the questions.

First of all, I appreciate the opportunity to appear before the appointments review committee, but especially to have the privilege to be put forward for chair by the Minister of Education. I have served on the EQAO board of directors for one term of three years and I am the acting chair presently, having been selected by the membership at our last board meeting, after Dr. Pascal stepped down on February 1, 2008.

I retired three years ago from Sir Sandford Fleming College after 16 years as its president. I started my career at St. Clair College as a faculty member and counsellor. I served as head of counselling and health services, dean of students, vice president of administration and campus principal at the Thames campus while at St. Clair before moving on to Fleming. My entire career was dedicated to student success, innovative learning and teaching strategies. I have a master's degree in guidance, counselling and higher education and a doctorate in counselling psychology. This educational background includes an understanding of testing and assessment.

I have also taught at the secondary, college and university levels; that includes the privilege of facilitating learning for diploma, bachelor's, master's and doctoral students. I have established at St. Clair College and at Fleming institutional research centres focused on the study of learning and program development. My own doctoral dissertation focused on student retention.

I have enjoyed the opportunities to contribute not only to educational development at the post-secondary level but also to the secondary and the elementary levels. I have done this through my teaching for the Ministry of Education and serving on many government panels. Perhaps the most relevant to the issue before us is the working group I was on that was established to reform the secondary school structure in the 1990s. It was through this panel that the secondary school curriculum was shortened to four years and that the concepts of large-scale assessment were discussed. Frankly, I did and still believe that diagnostic testing that assists the individual student is most crucial if followed up with proper interventions to remediate the differences that individuals have. I was sceptical back then, quite frankly, that standardized testing on a large scale would be able to create the culture necessary for student success. The working group presented a student success strategy back then that was not employed. Perhaps this was the reason that Dr. Pascal asked me to serve on the EQAO board three years ago.

I have agreed to continue on the EQAO board because I believe that it has, over the past decade, contributed significantly to creating a culture of evidence-based decision-making relative to proper intervention strategies. The focus of EQAO on providing data that identifies for the student, the teacher, the school and the province where we should be focusing our resources has been a success. The use of over 5,000 teachers annually in all stages of test development, administration, scoring, analysis and intervention is unique in the world, as is the testing in Ontario of the curriculum by standardized testing.

I believe we have a world-class assessment process and organization. Our focus on utilizing the evidence to improve learning has shown that we can improve learning outcomes. We have much to improve upon, but we have an excellent basis on which to build. The work of the literacy and numeracy secretariat, for example, that helps over 1,100 schools each year in this province develop improvement strategies for the most at-risk students, depends upon the EQAO data as the basis of identification.

I believe the independence of the EQAO is crucial to building a trusting assessment body for teachers, parents and the public. I believe that proper research to continue to develop the best testing instruments and processes is crucial. I believe that the proper use of evidence that fosters student success and learning is key to our helping the most crucial resource in our province—our youth—to reach their potential.

Given that this is a three-party committee, I suspect that you would like to know whether I have particular political connections. Throughout my entire career as a public servant, I did not belong to a political party and have enjoyed the trust of all major parties through appointments. In fact, I was appointed to the EQAO board prior to joining a political party.

A little over a year ago—perhaps a year and a half—I did join the Liberal Party and I am presently active as policy adviser to the federal candidate in our local Peterborough riding. I also have excellent working relationships with members from other political parties. For example, Laurie Scott, my local representative—provin-

cial member of Parliament—has sought my advice on many educational issues and we have worked together on issues such as the Frost Centre Institute.

I see no problem in chairing this independent board. It has been the practice of organizations to brief all parties in its functions and results. In my role as chair, if appointed, I will have a primary obligation to the citizens of Ontario to inform them of how our youth are progressing in their learning. Thank you for the opportunity to speak to you and I look forward to your questions.

The Chair (Mrs. Julia Munro): Thank you very much. In our rotation we will commence the questioning, then, with the official opposition.

Ms. Lisa MacLeod: It is an honour to be here with somebody who received the Order of Ontario, so congratulations on that.

I have a quick question. You mentioned that you are a member of the Liberal Party. Is that federally, provincially or both?

Dr. Brian Desbiens: My membership is actually federal at this time, yes.

Ms. Lisa MacLeod: Okay. And you're supporting a candidate there in Peterborough? Could you let us know—

Dr. Brian Desbiens: Yes, Betsy McGregor is the federal Liberal candidate.

Ms. Lisa MacLeod: Okay. Now that we've got that housekeeping out of the way, I understand that you were a member of the Education Quality and Accountability Office and I just wanted to know how you knew that there was a vacancy for chair. If you could just share that with us.

Dr. Brian Desbiens: Certainly. Dr. Pascal was the chair at the time and I served, as I mentioned, for three years. He approached me last fall and asked if, in fact, he was going to be leaving the committee, would I consider, I think is the way he put it, being chair. Then he approached me later in the fall after his announcement was made by the Premier that he was going to be the commissioner for the Early Years study. At that time, he approached me again and said, would I be willing to have my name put forward. Then, subsequently, I was called by the appointments group saying that my name was coming forward.

Ms. Lisa MacLeod: Excellent. Well, I just have one quick question. Do you see yourself going in a different direction as chair than was previously the direction of this office, or in a similar direction? If maybe you could elaborate a little bit on that.

Dr. Brian Desbiens: Sure. First of all, as I mentioned, this is a successful organization. My objectives that I would put out are, one, to renew the board—we have three vacancies on the board, so we have to renew the board; secondly, obviously to build on the success that's there, particularly the success of working with the teachers, as I've mentioned. When you're working directly with the people in the field, it really does—but we have to continue to work at that.

We also have to continue to evolve the tests themselves based on our curriculum—just as our curriculum has to. So that's building on the success that's there. But there are some new directions. For example, we believe that there still is more room to work and improve upon the public's understanding and parents' understanding of assessment and its role. We also believe—and we just finished a retreat—that the present model we have tests students at grades 3, 6, 9 and 10 and then we have the international test. Well, we have to integrate that into a more effective model. Also, if you would take a look at that, we aren't really testing the students or gathering the evidence to assist our teachers at what we call the critical transition stages. When a student goes from preschool into school, we now know from the EQAO data that there are already differences in performance. So we need to look more at that interface. Dr. Pascal and the EQAO board will be looking at that jointly.

Secondly, we need to refine the hand-off from elementary to secondary, and work on what is the right kind of information, that you go from elementary to secondary to help students be successful in secondary. If you also notice, there is no kind of exit assessment of our curriculum or of learning of our students. The last time we test is really, you know, in grade 10. So there are these transition periods. That last transition period, particularly either the post-secondary or the world of work and citizenship, is a pretty important one. This is one of the things that we're looking at as a board.

Ms. Lisa MacLeod: Just as a parting comment, I want to thank you for your presentation here today. I know, having spoken about you with Laurie Scott, whom you mentioned, that she's very, very pleased that you are here today. There is no problem here with the official opposition endorsing your candidacy. So I wish you the best and thank you very much.

Dr. Brian Desbiens: Thank you.

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The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: I'm pleased to meet you, Mr. Desbiens. Here again, you have a very French name. Do you know how to speak French?

Dr. Brian Desbiens: I'm afraid not.

M^me^ France Gélinas: I'll keep trying. Eventually I'll get one.

Dr. Brian Desbiens: I'm sorry.

M^me^ France Gélinas: That's okay. I just wanted your opinion. I come from the north. There are lots of northern and rural schools in my riding. The schools are small. There are lots of split grades where one teacher will teach two, three, sometimes four grades in the same class. Do you feel that the province-wide testing that's presently available properly reflects the special needs of those kids who attend split grades in small rural and northern schools?

Dr. Brian Desbiens: One of the other areas—I didn't elaborate all of them—we're doing analysis of is in fact that very thing. We're trying to take a look at the inequalities; in a sense, the differences. Whether it's rural,

whether it's gender or race, we think there's some real help that the data can provide to us if used in a constructive way. I believe the testing is fair because it's testing the curriculum, and the curriculum is common across Ontario.

However, the interventions are what's critical. The literacy and numeracy secretariat, using the EQAO data, plus our identifying partner schools or neighbour schools, is, I think, a strategy to be able to help, particularly in the north where a school may not have all of the resources or even a school board might not have all of the other resources. If they can partner up to be able to look at what the strategies and best practices are to be able to intervene, it can be very helpful.

There are unique challenges across the province. Once of the myths out there is that you can use the EQAO data to compare. We are absolutely adamantly opposed to that. What you have to do is look at the uniqueness of the students, the uniqueness of the challenges in each of those communities, and then develop intervention strategies that are unique. I think there the EQAO data actually is supporting the kind of challenges that they have in the north and in rural Ontario.

M^me^ France Gélinas: I understand that the standard testing is done in English and French. There are more and more schools in my riding that introduce Ojibway to the students. The students are actually starting to speak it pretty good. Is this something that is on your radar that you are looking at?

Dr. Brian Desbiens: It's a wonderful question. Presently, we only test in the two languages. We do not test in any aboriginal language. As you know, there are several languages. It is something we're looking at, but I can't say that we are planning to do that. It's something we are looking at to see whether it makes a difference what your first language or your second language is.

But certainly, on aboriginal performance, we are very interested in identifying how we can improve that across the province. And it's just not in northern Ontario. It's also in southern Ontario. I happen to live in Peterborough and we also have language issues and testing issues in our region.

M^me^ France Gélinas: Thank you.

Dr. Brian Desbiens: Thank you.

The Chair (Mrs. Julia Munro): Comments? Thank you very much for appearing here before us today. We appreciate you coming and offering your comments to the committee.

Dr. Brian Desbiens: Thank you very much. It was delightful. You were very easy on me. Excellent questions, and I'll—

Ms. Lisa MacLeod: We're all afraid of Laurie Scott. That's why.

Dr. Brian Desbiens: It's a privilege to serve this government but also the province of Ontario. We certainly will look into a couple of the areas that have been raised here. Thank you very much.

The Chair (Mrs. Julia Munro): It is now time to deal with concurrences, members of the committee. We will begin first with considering the intended appointment of Joan Lougheed, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors. Is someone ready to move concurrence?

Mrs. Maria Van Bommel: I move that the application of Joan Lougheed be accepted.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Members may make any comments at this point, if they wish.

Seeing no discussion, all in favour? The motion is carried.

We will now consider the intended appointment of Jacqueline Castel, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

Mrs. Maria Van Bommel: I would move that we accept the appointment of Jacqueline Castel.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion? Seeing none, all in favour? The motion is carried.

We will now consider the intended appointment of Sivam Vinayagamoorthy, the intended appointee as member, Mississauga Halton Community Care Access Centre.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Sivam Vinayagamoorthy.

The Chair (Mrs. Julia Munro): Any discussion? Yes.

Ms. Lisa MacLeod: I have a procedural question. Is there an opportunity for this committee to postpone this vote for a week?

The Clerk of the Committee (Mr. Douglas Arnott): Yes. The standing orders do provide that if a member requests a deferral of the decision, that would automatically be deferred for up to seven days.

Ms. Lisa MacLeod: Would I be able to put forward a motion, then, and would it provide the opportunity for the intended appointee to come back to this committee and provide some more detailed information to us? Because at this point in time, the official opposition cannot support this appointment. It's not clear to me that he understands fully what he will be expected to do, and I want to give the individual an opportunity to prove to us that he is the right candidate for this job. We—my colleague and I—are not prepared to make that decision today.

The Clerk of the Committee (Mr. Douglas Arnott): There is no need for a motion inasmuch as simply the member's request that there be a deferral represents, then, that deferral. There is no provision, however, in the standing orders for recall of an intended appointee. So the deferral would be simply the deferral of the decision-taking.

Ms. Lisa MacLeod: Thank you. I would request a deferral.

The Chair (Mrs. Julia Munro): All right. That is not a debatable suggestion, so we will defer, then, until we meet next week.

I would ask now to turn our attention to consider the intended appointment of Brian Desbiens, the intended appointee as chair, Education Quality and Accountability Office board of directors.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Brian Desbiens.

The Chair (Mrs. Julia Munro): Thank you. Any comments? Seeing none, all in favour? The motion is carried.

Thank you very much. That concludes our business of this morning on intended appointments. If there are any other comments at this point—yes, Mr. Flynn.

Mr. Kevin Daniel Flynn: I'm just wondering if somebody could explain to the gentleman whose application was deferred for a week what the process will be from here on in, just so he knows when he leaves that he's not being called back, that a decision will be made next week on this.

The Chair (Mrs. Julia Munro): Certainly. Yes, I will make that undertaking.

Mr. Kevin Daniel Flynn: Thank you.

The Chair (Mrs. Julia Munro): This committee stands adjourned.

The committee adjourned at 1119.

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Journal des débats (Hansard)

Mercredi 26 mars 2008

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 26 March 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 26 mars 2008

The committee met at 0935 in room 151.

INTENDED APPOINTMENTS

SIVAM VINAYAGAMOORTHY

Review of intended appointment, selected by official opposition party and third party: Sivam Vinayagamoorthy, intended appointee as member, Mississauga Halton Community Care Access Centre.

The Chair (Mrs. Julia Munro): Good morning, everyone. This committee stands for business today.

I would bring your attention to the first order of business, which is the deferred vote on the intended appointment of Sivam Vinayagamoorthy as member, the Mississauga Halton Community Care Access Centre.

Ms. Van Bommel had previously moved concurrence in the appointment of Mr. Vinayagamoorthy and, at the request of Ms. MacLeod, the vote on the motion was deferred until today's meeting. Is there any discussion? If not, all in favour?

M^me^ France Gélinas: Sorry. I didn't realize you were going so fast.

The Chair (Mrs. Julia Munro): Sorry.

M^me^ France Gélinas: Am I too late?

Mr. Michael A. Brown: You are too late, because it's just a deferred vote.

The Chair (Mrs. Julia Munro): Yes.

Mrs. Maria Van Bommel: On a point of order: I do believe that there is no discussion on this motion. I think it's just a deferred vote, is it not, Chair?

The Chair (Mrs. Julia Munro): I think that we will have to move, as we have, to the vote.

M^me^ France Gélinas: Can I ask for a further deferral for one week?

The Chair (Mrs. Julia Munro): I don't believe that's within the power of the committee.

M^me^ France Gélinas: Okay.

The Chair (Mrs. Julia Munro): All right. All those in favour? Opposed?

Ms. Lisa MacLeod: Recorded vote.

The Chair (Mrs. Julia Munro): You have to ask before.

Ms. Lisa MacLeod: Sorry. I'm a little rusty.

The Chair (Mrs. Julia Munro): I declare the motion carried.

MICHAEL LEMAY

Review of intended appointment, selected by third party: Michael Lemay, intended appointee as vice-chair, Champlain Local Health Integration Network.

The Chair (Mrs. Julia Munro): We will now move on to appointment reviews. Our first interview today is with Michael Lemay, intended appointee as vice-chair, Champlain Local Health Integration Network. Mr. Lemay, please come forward.

Good morning, and welcome to the committee. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement, and subsequent to that, there will be questions from members of the committee.

Just for everyone's understanding, today we will begin questioning with the third party. Each party will have 10 minutes allocated for questions, and we'll go in the rotation I have suggested. As is the practice of this committee, any time you take in your statement will be deducted from the time allotted to the government party.

You may begin.

Mr. Michael Lemay: Thank you very much, Madam Chair, and good morning, committee members. This is a new process for me, and I do appreciate the opportunity to meet with the committee.

I would like to begin by highlighting some aspects of my CV and my experience on voluntary boards.

I was born and raised in Penetanguishene, on the shores of Georgian Bay. I completed my education at the University of Ottawa and my teaching qualifications at the U of T. My first year of teaching was 1964, in Elliot Lake. I spent the next five years at North Dundas District High School, near Winchester and Chesterville, in the North Stormont area. I then moved to Renfrew county, where I spent the rest of my teaching career with the Renfrew public school board.

I taught French and English, but spent most of my career in guidance. I was fortunate to have been principal of summer school for a number of years, as well as principal of the night school program. I spent the last 10 years as a high school vice-principal, and again, I was fortunate to work in several communities in our county, from Pembroke to Petawawa, Renfrew, Barry's Bay and a wonderful high school located between Cobden and Eganville. A highlight of my career was teaching two years in Baden, Germany, at the Canadian Forces base.

During my teaching career, I sat on various boards; notably, the Phoenix Centre board of directors, a children's and mental health centre serving Renfrew county, and also the Renfrew County Family and Children's Services board of directors. During my tenure on both boards, I progressed through chair of finance, vice-chair and chair of the board. It was during this period that I learned a great deal about governance in the public sector and the important function it provides to an organization. I'm still learning, and I know that this learning process never ends. My work on these boards was very relevant to my work in education. I gained a new perspective into the difficulties that some of our students are undergoing due to being in care or having mental difficulties.

When I retired in 1997, I wanted to continue to serve my community. Having spent 35 years in education, I felt that I needed a new challenge. Pembroke had just gone through a restructuring plan under the auspices of the Ontario Health Services Restructuring Commission, which resulted in the closure of one of our hospitals. I responded to an ad requesting applications for a new board, which was to be set up to govern the Pembroke general hospital. I applied and was appointed to the board. Thus began my education in how the health care system functions in our province. Our community was divided when we were left with only one hospital. We, as a hospital board, never lost sight of our mandate, which was to develop a wide range of quality health care services that would meet the physical, emotional and spiritual needs of all.

0940

Our board was often frustrated as we worked our way through the bureaucracy of the health ministry; it seemed to take forever to get things done. The slowdown, fairly or unfairly, always seemed to come from Toronto. It was like trying to move a huge elephant that was 400 kilometres away. It was a pleasure to be on the board and see the completion of a $46-million capital project, but the process was over eight years. Again, I moved to the position of chair of finance, chair of quality assurance, vice-chair, chair and past chair. The hospital board policies permitted a total of three three-year terms to sit on the board, but I was asked to serve a 10th year, as we had a new chair who requested that I remain to help with the transition.

It was during this year that the LHIN act was being discussed, and the idea of an integrated health system closer to home appealed to me. Having resided in rural and small communities most of my life, it was important that any changes that occurred factored in the challenges that we faced in our smaller communities. Providing health care in small communities is challenging, and some of those challenges are unique when comparisons are made to the larger communities of our province. The government's vision of a system driven by the needs of clients would not leave those of us in smaller communities out in the cold. Our local community would have a say in how health care was managed, so I decided to apply.

In December 2005, our hospital board had a visit from Michel Lalonde, who was chair and one of the first three members of the LHIN, and Rob Cushman, who was the CEO. They visited our board and made a presentation on what they hoped to see for the Champlain LHIN. We were impressed and pleased that LHIN collaboration with the health service providers was an integral part of making a health care system that helps people stay healthy, delivers good care when they need it, and is sustainable. Finally, a silo approach is being replaced by collaboration.

In January 2006 I was appointed to the Champlain LHIN, and I was reappointed for a three-year term this past January. In late January I was asked if I'd let my name stand as vice-chair, as our vice-chair was having health difficulties. I said I would, thus my appearance before this committee.

I'd like to thank you again for this opportunity to meet with you.

The Chair (Mrs. Julia Munro): Thank you very much. As I mentioned, we'll begin with Ms. Gélinas.

M^me^ France Gélinas: Thank you. You mentioned in your resumé that you spoke French. Est-ce que vous parlez français?

M. Michael Lemay: Oui, mais ça fait tellement longtemps. J'ai enseigné le français en 1969. Depuis ce temps-là, j'ai eu assez de difficulté. Si je suis dans un groupe de francophones, ordinairement, on parle français, mais c'est plus facile pour moi de parler en anglais. Donc, les francophones parlent en français, puis je réponds en anglais, et ça va bien.

M^me^ France Gélinas: Est-ce que vous savez le pourcentage de francophones dans la section géographique desservie par le RLISS de Champlain ?

M. Michael Lemay: C'est assez grand. Par exemple, je sais que dans la ville de Pembroke, d'où je viens, c'est environ 5 %. Donc, c'est assez grand. Mais à Ottawa, puis vous avez Cornwall, il y a plusieurs francophones.

M^me^ France Gélinas: Est-ce que vous préférez que je continue en français ou en anglais ?

M. Michael Lemay: Ça dépend. Puis-je répondre en anglais?

M^me^ France Gélinas: Oui, vous pouvez.

You talked about your experience and service on the board of the hospital. What is your knowledge of community-based agencies that are under the responsibility of the LHIN?

Mr. Michael Lemay: I am very comfortable with the hospital sector, because that's where I began, but when the CCACs—we had a very close relationship with the CCACs as a hospital board because we felt it was important that they play a role in the hospital. So we had very good communication and we had one of their workers have an office in the hospital, which made it easier for the clients when they were leaving.

With the former district health councils, I was on an advisory committee that was involved in various appointments to the district health council. Again, because they managed pretty well the whole health area, it went quite

well. So I'm fairly comfortable with most of the areas. Some of them I'm not, like the small community home services that are available; I'm still learning about those.

M^me^ France Gélinas: Aside from the CCACs, do you know which other community-based agencies are under the responsibility of the LHIN?

Mr. Michael Lemay: You've thrown me here, so that's why I have to look. There's the addictions and mental health—and that was involved with the hospital; the community support services, which, again, I'm just learning about over a period of time; the community health centres; and, of course, long-term-care facilities.

M^me^ France Gélinas: In your knowledge of community care access centres in your area, are most of the contracts awarded to for-profit companies?

Mr. Michael Lemay: I can't answer that. Again, they've been amalgamated and now the head office is in Ottawa. I believe they just appointed a new CEO, and the board's just reorganizing itself. I have not had any contact with the new CCAC board.

M^me^ France Gélinas: As vice-chair of the LHIN, would you support your community care access centres awarding contracts to for-profit companies?

Mr. Michael Lemay: I'd be very hesitant. Again, the most important thing for me is to look at the system as being client-based. Because we have so many small communities in our area, if that was the only option that was available—looking at the client—I'd say yes, but that would not be my first choice at all.

M^me^ France Gélinas: Are you familiar with how contracts are awarded through community care access centres, the bidding system?

Mr. Michael Lemay: No, I'm not.

M^me^ France Gélinas: In the community sector, they often talk about a one-way valve, because the players at the table under the LHINs are all small except for hospitals. They're very much afraid that the lobbying power of the hospitals will mean that less and less resources will end up in community-based care, because the hospitals need a lot of money and there's a limited amount. What are your views toward a one-way valve, so that in the coming years money cannot be taken away from community-based care to fund hospitals?

Mr. Michael Lemay: I personally believe that the health system will not work if we start doing that, especially when we're looking at an aging population. The community-based services that are being offered are extremely important. I think at some point we have to change our attitude and look at wellness and prevention as the main factor and look at all the determinants of health care to make things work. To take money from—I personally would not favour that at all.

M^me^ France Gélinas: Those are my questions.

The Chair (Mrs. Julia Munro): We'll move on to Mrs. Van Bommel.

Mrs. Maria Van Bommel: I just want to say thank you very much for appearing before us today and taking on this challenge. I, myself, have been on a hospital board, as chair, and I know it's a wonderful learning experience for everyone, but it is also on a volunteer basis, and I certainly want to say thank you very much for that.

Ms. Lisa MacLeod: I'm an MPP for the Champlain LHIN, as is my colleague Randy Hillier from Lanark—it's the longest name here—LFLA or something like that. I have a couple of questions with respect to how you would carry out your mandate as vice-chair of the LHIN. I've known Robert Cushman for quite some time, before I was elected and before he was with the LHIN, and I know a lot of the work that you're doing. I've got two issues that I've been working on in the community, and one is the shortage of long-term-care beds in the city of Ottawa. We're short roughly between 250 to 850 beds. There's a lot of bed blocking going on at the Queensway Carleton Hospital, the Civic hospital, and it's caused enormous concern in our community, and I'm wondering how you believe we can best address that through the LHIN and with the province of Ontario.

0950

Mr. Michael Lemay: You're correct, it's probably the most difficult issue we're facing right now in our LHIN—and that's right across the LHIN, not just the Ottawa area.

One thing that's happening that I feel we can do right now is with the provincial aging-at-home strategy that the government has begun and that we're working with now. I think it's really important, as one of the main challenges is trying to get people out of hospital beds and back into the community. But to be able to do that, we have to have the community services available to help those people. Again, we're right back to the determinants of health, where I think we have to look outside the box in regard to social housing. How are we going to work in those areas to help?

It's not going to be easily solved, but I think that by working closely with all the agencies in the community that are working with the elderly population, it can work. It will be slow. I don't think we'll solve it just by building tons and tons of space; we have to use what we have now.

Ms. Lisa MacLeod: I think that you and I both agree, then, that there needs to be a comprehensive and integrated strategy rather than just beds.

Mr. Michael Lemay: Yes. I agree totally.

Ms. Lisa MacLeod: Having said that, I know that you were a little hesitant, when you were speaking with my colleague from the third party, about private investment in the public delivery of health care. I take a different philosophical approach to that, simply because I've seen the shortage of doctors in my community. I've also seen our hospitals under the crunch of the so-called bed blocking. I think there could be some unique partnerships, particularly in my neck of the woods, where we've got one of the highest birth rates in Canada but also one of the larger seniors' populations in Canada. That, in and of itself, presents unique challenges. I would just like your comment on that in terms of the public delivery of health care with private investment.

Mr. Michael Lemay: Again I'm hesitant, but I don't think you just throw it away. I think it has to be looked

at. If health care is going to be sustainable in this province, and I look at it from the point of view of my grandchildren as well, then I think we have to look at all possibilities. But we can be a little more efficient with the use of the funds that are presently being provided to health care. We have to look at all those options before we go outside.

Ms. Lisa MacLeod: Okay. I just have another question. This is something I've been talking to the police chief in Ottawa about—Vern White. I put a resolution, in fact, two weeks ago through the finance committee here at Queen's Park with respect to a much-needed drug treatment facility for the city of Ottawa. The LHIN has come out and endorsed this, has identified a need, that we could probably service 200 youth who are addicted to drugs and other substances and get kids off the streets and back on track. The government yesterday didn't include in their budget any money for a drug treatment strategy. I'm wondering how you think we can best put our resources together, as a municipality and as a LHIN, to ensure that these kids are getting off drugs and back on track.

Mr. Michael Lemay: As you said, I think again that we have to work together with the municipality and the LHIN has to provide some leadership, and you don't give up. As a LHIN, we keep making a request to the ministry as we see that it is something we can accomplish—some good within our community. I wouldn't give up on it, but again, in the case of a LHIN, I can see working with the municipalities to support it as much as we can.

Ms. Lisa MacLeod: I had a conversation with some police officers who believe that there are four issues with respect to drug abuse: prevention, treatment, harm reduction and enforcement. Of course, the two major areas that you want to move forward on are prevention and treatment.

This government, the McGuinty government, has decided in the city of Ottawa not only to undermine the municipality that decided to move away from a crack pipe-needle exchange program but they then funded it right underneath the city's nose and have taken on that line of thinking rather than putting the money into drug treatment. Could you tell me where you stand on that issue?

Mr. Michael Lemay: I think that drug treatment is extremely important. Prevention also is important. I really haven't looked at it that closely to be able to comment fairly. You're correct: Prevention and treatment are extremely important. That's what I would look at first of all.

Ms. Lisa MacLeod: I would urge you to. There are children in the city of Ottawa who are doing so many drugs in Tim Hortons that last week one of the Tim Hortons in Ottawa said that they were going to remove their bathroom facilities. So we have an issue which is borderline crisis in the municipality that I represent and one that you will represent as a member of this board. It's a serious issue, and I would urge you to learn more about it.

In closing, I just want to congratulate you today. I've looked through your CV. I believe you're qualified for this position. The official opposition will be supporting your candidacy. I did notice that you did some work with the Phoenix Centre.

Mr. Michael Lemay: That's correct.

Ms. Lisa MacLeod: I want to applaud you for that, because the work that they're doing with very little budget from this government has been extraordinary. I know that your member of provincial Parliament, John Yakabuski, has taken the funding fight to the floor of this Legislature to make sure that they're properly served.

With that, I just congratulate you and thank you for your time here today.

Mr. Michael Lemay: Thank you very much.

Interjection.

The Chair (Mrs. Julia Munro): You have one minute.

Mr. Randy Hillier: Then I'll make it quick.

Thank you very much for being here today. You mentioned in one of the earlier questions that streamlining and effectiveness are required. I've seen significant burdens placed on hospitals. I was speaking to one Mike Gagne over at Carleton Place hospital in our LHIN. He was saying to me that the nursing staff spend 30% to 35% of their time doing administrative paperwork burdens. Is the LHIN, or are you yourself, looking at ways of implementing some streamlining and some effectiveness so we can get better use out of the dollars being spent in our hospitals?

Mr. Michael Lemay: I know we're working very closely with the hospitals. In fact, when I go back to Ottawa this afternoon, we'll have our meeting tonight involving the accountability agreements that the hospitals are signing with the LHIN. As far as the LHIN is concerned, we expect them to be efficient, to be spending the money properly and putting in areas that we can check the performance of the hospital.

Mr. Randy Hillier: Accountability, definitely, yes, but what I'm looking at is, are we taking any proactive approaches in this LHIN to improve that efficiency so we can get better value for the people we're serving in these hospitals, instead of just a steady drain of needing more and more money?

Mr. Michael Lemay: I believe it's starting. The LHINs have to evolve. Really, only in the past year have we worked very closely with the hospitals. So it will take time, but I have enough faith that they can work, that the population we're serving will be well served and that the hospitals will do what's expected of them.

The Chair (Mrs. Julia Munro): That concludes the time that's allocated. Thank you very much for coming here this morning.

Mr. Michael Lemay: Thank you very much.

MICHAEL NEWMAN

Review of intended appointment, selected by official opposition party: Michael Newman, intended appointee as member and vice-chair, Consent and Capacity Board.

The Chair (Mrs. Julia Munro): Our second interview is with Michael D. Newman as an intended appointee as member and vice-chair of the Consent and Capacity Board.

Good morning, and welcome to the committee. As I outlined a few moments ago, you will have an opportunity, should you choose to do so, to make some remarks. Subsequent to that, the members will have the opportunity to ask questions. We move in rotation, so we will begin the questioning with the government members. If you wish to make a statement, please proceed now.

Mr. Michael Newman: I'm a lawyer; I've made some notes. I'll try to keep it brief.

Good morning. Thank you for inviting me. I was born and raised in Ottawa and did most of my schooling in Ottawa. I attended Carleton University and graduated in 1975 with an honours B.Com, a bachelor of commerce. I then went to the University of Ottawa law school, graduating in 1978. I articled in Toronto; I moved to Toronto at that point. I'm married. I've got three boys. We live in the city of Vaughan. We've lived in Vaughan for almost 19 years now.

I've always been involved in public service and community service and volunteer service. From 1992 to 1995, I served on the Vaughan Public Library Board as a representative chosen by the public school board in York region. From 1996 to 1999, I was the chair of the local scouting organization in Maple, which is the community we live in. In 1998, I was appointed by the city of Vaughan to the non-profit housing corporation, which is a building that operates beside Vaughan city hall—and beside the new Vaughan city hall that's being built right now. I remained active on that board until 2004.

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In 2004, I was appointed to the strategic directions committee of the York Central Hospital. I then moved on to the governance committee of the hospital, and from there I moved on to the quality and performance management committee of the hospital. I am not a trustee of the hospital. I've always been a community member of the hospital, and that's a different category of membership. I don't actually sit on the board; I've just been involved in a single committee at a time. I've moved my way through the hospital by providing my volunteer time and whatever skills the hospital feels they can use. I've also been assisting in parent council stuff at my kids' schools as they've grown up.

Professionally, I was called to the bar in Ontario in 1980. I've practised in the city of Vaughan since that time.

In 1998, the Ontario government appointed me to the Consent and Capacity Board. I'm now a senior lawyer member of the board. It's an administrative tribunal. We provide an adjudicative function. We adjudicate cases under the Mental Health Act, the Substitute Decisions Act, the Health Care Consent Act, the Personal Health Information Protection Act, and, more recently, the government has added the Mandatory Blood Testing Act.

The jurisdiction of the CCB includes reviewing involuntary status, findings of incapacity, appointments of representatives to make decisions with respect to treatment, admission to care facilities, or personal assistance services. Those are just some of the issues that we deal with within our bailiwick.

As a senior lawyer of the board for the last few years, I'm designated by the chair to conduct single-member hearings. I also preside over panels of three or five members. A five-member panel is usually something we use for training purposes when we have new membership on the board. I'm also the CCB's training panel coordinator, with responsibility for ensuring that new members receive the appropriate training in accordance with our training protocol.

As well, I'm the co-chair of the CCB's new member training and quality assurance committee. We've set up a mentoring program and we're now working on a program to maintain and improve the level of quality that we provide to the public, to ensure that our membership maintains minimum standards. We've had a big increase over the last few years in membership, and while the number of hearings has certainly increased, it's something that our current chair—and I'll get into that in a moment—has made a priority at the board.

I have received adjudicative training through the CCB and through the Society of Ontario Adjudicators and Regulators, where I continue to participate as a volunteer presenter and trainer at SOAR adjudicative training sessions.

As far as the CCB is concerned, for much of our population, quasi-judicial administrative tribunals are the face of the judicial system and, effectively, our values. In other words, more people, as far as I'm aware, appear and have communication and contact with administrative tribunals than the court system.

I'm now in my 10th year on the board. I have worked with many members and conducted hearings throughout the province. My focus has always been on ensuring that our membership, consisting of many fine and committed appointees over the years, respects our rights as individuals to an accessible, fair and respectful adjudicative process. In particular, my observation is that over the past few years the board has become much more reflective of the society that we serve.

The issues that come before the board are extremely personal and sensitive. We deal with some very gut-wrenching issues; I feel that all the time. With some of the most disadvantaged persons in society, they deserve our respect and maintenance of their dignity as much as reasonably possible.

With Justice Ormston's appointment, and as a result of his efforts and contacts with the various interested parties, stakeholders and others, there is a renewed respect for the board with the people that we deal with—with hospitals, with community care access centres, with doctors in general, with the community at large. In particular, at a time where the issues that we deal with are becoming more and more a spotlight on society in gen-

eral—we have an aging population; more and more people are appearing before the board for the various issues that we deal with—Justice Ormston has also been extremely instrumental about including more of our membership in the development of board priorities such as education, quality assurance and training.

Our CCB, and specifically the legislation and process that you as legislators have set out for us as a public, is unique in the country. The Health Care Consent Act is, frankly, a fine piece of legislation. It sets out a hierarchy of applications before the board; a hierarchy of substitute decision-makers; a number of applications that can be made to the board for decision-making; it defines treatment; and it defines what a person's best interests include. I really don't want to get into what's going on in the rest of the country, but there have certainly been issues in other provinces that I believe are prevented from occurring in Ontario because of some of the legislation that we have in place right now.

In particular, I will mention that in Manitoba there is the recent—and I know this because of the paper. I'm also just finishing off my L.L.M. in health law at Osgoode Hall—I'll be finished by the end of the summer—and I had to do a paper recently. The Golubchuk case in Manitoba has been in the headlines recently. The College of Physicians and Surgeons of Manitoba recently had to come out with a policy statement on end-of-life decision-making, because there seems to be a lack of legislation in that particular area in that province.

We as a province have, as I say, the Health Care Consent Act, which deals with those types of issues. It certainly does not require individuals to spend the money, the time, and the energy and emotional aspect of it all to go run off to court. We have the board process, which is very efficient. A hearing has to commence within seven days of an application. We get our hearings on pretty quickly. It's a no-cost process for the public. Some people want to be represented by counsel and the issues are becoming more and more complicated to deal with. We do recognize that and we do our best to ensure that the process is fair.

I'm just giving you a little bit of the background of some of the legislation. I know I'm cutting into the government's time to ask questions.

Insofar as any questions—I've seen some of the material you've been given—relating to the budget, I can only say that the board has always met its obligations, the staff are extremely professional about their work and the work gets done. If staff say that they require an increase in their budgetary allocation, I wouldn't doubt that they need it. They are very careful in justifying our claims as members. I can tell you that lunch is not going to get paid unless they submit a bill for lunch. Dinner, breakfast—you name it; we have to submit it. They request it. They don't let us get away with it. I told them I wouldn't say they were penny-pinching, but they're very good at doing their jobs. So, if they say that they need more money for us to do our work, I have no reason to doubt that.

Concerning CTOs, I am not going to get into "if I'm an active adjudicator"—I'm not going to taint what may be my view on something. I can say this as far as CTOs are concerned: Their availability should keep and has kept some individuals in the province from being kept in hospital or incarcerated. As another tool—I'm using that word; I don't mean any disrespect for that word—it's a mechanism, where appropriate, to minimize restrictions on the liberty of those individuals challenged by mental illness, while safely protecting the public at large.

We've accomplished a lot at this board over the last few years. It's an adjudicative board, but at the same time, the chair wants public education to be somewhat of a priority. It's a tough balance when you know that most of your money has to be spent adjudicating. But we do have public education. Some of us go out and teach.

There have been partnerships implemented. We recently did a video with the Royal Ottawa Hospital with respect to applications to the board concerning admission to care facilities. I know I have to make a presentation in Hamilton in a couple weeks by reviewing the now-DVD and helping them with the process, explaining how the board process works. So we're actively working to alleviate our own work with public education, and we're encouraging people to prepare their own powers of attorney. That seems to be an area that seems to require the rest of us, as the public, to get some education.

Our current challenge before the board is the attempt to raise the standards of our newer membership because of the increase in that membership.

The chair has sought my elevation to vice-chair. As I say, I've been on the board for 10 years. He sought it because he wants to recognize my increased responsibilities, the responsibilities that he's asked me to take on. I just hope that you'll confirm that appointment.

The Chair (Mrs. Julia Munro): Thank you very much. As you might be aware, you have exhausted the time available, so I must move on. Ms. MacLeod.

Ms. Lisa MacLeod: Welcome, Mr. Newman, on behalf of all of our colleagues. It's nice to see that you've spent so much time on this board. You were first appointed in 1998.

As vice-chair, you've indicated a bit of where you would take this and some of the responsibilities the chair has asked you to take on. What changes would you like to see at the board?

Mr. Michael Newman: Changes? Just improving the communication and the acceptance of some of the communities that we deal with. I won't get into any particular communities, but some of the communities still have a somewhat strained relationship with the board—just the board process, just the fact that some of their decisions are subject to review by an independent tribunal, which I think is a good thing for all of us. But there is just bridge-building. From time to time, especially when you get out of major centres, it can be difficult to remind everyone out there that there is this process that's province-wide and that's for the best of all of us. It's in our best interests that we have a review of individual decision-making.

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These are such important issues. We're talking about individuals' rights to decide how they're going to manage their property, if they're going to manage their property, where they're going to live, if they should be let out of the hospital. So just helping to improve the level of comfort in an independent tribunal; that's our biggest challenge, I think.

Ms. Lisa MacLeod: Which communities do you have to improve communications with?

Mr. Michael Newman: I can't say there's any one particular community. There is a need out there to improve—a lot of people don't realize, for example, that we have a presumption of capacity in this province; there's no minimum age—with all health care providers the understanding that everyone starts with a presumption of capacity. I'm not trying to get into a discussion or an argument that an infant is going to be able to make a decision, but we have a presumption of capacity, and everyone has to realize that that's where you have to start. If someone believes that an individual—whether it's a child, an adolescent, a youngster—is not capable, they actually have to make a finding. They have to decide that they're not capable of making that decision—that kind of information, which is not well known, believe it or not. I've been working in this field for 10 years now; it's just not well known. Because the law actually says that there's a presumption, and so you have to go to the various college guidelines—for example, the College of Physicians and Surgeons—to be reminded that even with children, you have to assess their capacity.

Ms. Lisa MacLeod: Just one final question: Do you do any other work with the Ministry of Health?

Mr. Michael Newman: No. I've never met any—I don't think I do any; I'm a roll-up-your-sleeves, get-out-in-the-field kind of person.

Ms. Lisa MacLeod: So essentially most of your work with the Ministry of Health has been through Consent and Capacity?

Mr. Michael Newman: Well, I've never had any dealings with the Ministry of Health.

Ms. Lisa MacLeod: Oh, okay.

Mr. Michael Newman: I know we are a Ministry of Health adjudicative body, but I—I have an OHIP card.

Ms. Lisa MacLeod: You have an OHIP card?

Mr. Michael Newman: I have an OHIP card.

Ms. Lisa MacLeod: So do I, as long as my daughter didn't take it out of my wallet, which she frequently does at the age of three.

That's fine. It's just that your name appears on the public accounts for the previous year.

Mr. Michael Newman: The public accounts—

Ms. Lisa MacLeod: The public accounts for the Ministry of Health and Long-Term Care.

Mr. Michael Newman: Well, I've been on the board for 10 years, so I don't—

Ms. Lisa MacLeod: That's probably it; a logical explanation. Thank you very much. I'm not sure if my colleague has any questions.

Mr. Randy Hillier: I have one brief question just for my own knowledge. Thank you for being here today, Mr. Newman. In our briefing notes about the care and consent board, it has a little chart in here about applications and hearings, and it gives numbers of applications per year and numbers of hearings. Last year, there were 4,400 applications and 2,700 hearings, approximately. I'm just wondering if you would give me a little bit of an overview of what an application would be and why some applications would have hearings attached or not.

Mr. Michael Newman: What happens sometimes is a doctor will place somebody on a form; in other words, they'll hold them in the hospital as an involuntary patient. So they sign a form 3 or they sign a form 4. The individual then receives rights advice through the rights adviser, and it may be that over the week they get rights advice and then they decide to apply to the board for a review of that involuntary status; for example I'm just using involuntary status.

A hearing has to commence, according to the Health Care Consent Act, within seven days of an application. So they make an application, and the board ends up scheduling a hearing because of communication that takes place between the doctor and the patient or patient's counsel, or sometimes doctor's counsel now. That hearing may take place, for example, after a long weekend, and by Monday morning or Tuesday, things can change. A person may have received treatment over the weekend. They may have been either co-operating with that treatment or it may have been that they have been found incapable with respect to their treatment but not challenged it, so the doctor has proceeded with treating.

People can change; I mean, capacity can fluctuate, so things can change in a relatively short period of time. People start to become more co-operative with their treatment or with their physician, there's a therapeutic alliance that happens, and they decide, for whatever reason, not to proceed with their application to hearing. In other words, they've made an application, but they don't actually proceed to hearing.

I can recall in my earlier days on the board, we used to try and stay away from having hearings on Monday or Monday morning, because invariably, over the weekend, things would change. People's presentation would change. The symptoms would subside somewhat, and they would decide that they didn't want to proceed. They were in agreement with whatever was going on. They felt safer in hospital, or—

Mr. Randy Hillier: Okay. Thank you.

M^me^ France Gélinas: Welcome to Queen's Park, Mr. Newman. The question I ask everybody that comes: Do you know how to speak French?

Mr. Michael Newman: Un peu. But it's been so long; I'm from Ottawa and should—you're right—but I don't have it as a skill at this point. But after I finish my L.L.M., it's the next thing on my list, so that's all I can tell you.

M^me^ France Gélinas: Very good.

Mr. Michael Newman: I can recall when I was younger and my parents sent me off to Bishop's College in Lennoxville for intensive French-language training. In keeping up those skills, I didn't—we spoke English at home, obviously; I'm from an English background. I went to Hebrew day school in Ottawa. High school and university were totally in English. High school wasn't bad—that's where I ended up going to Lennoxville for my French-language training, but I didn't keep it up, and that was a poor choice on my part.

M^me^ France Gélinas: Are there French-language capabilities on your board?

Mr. Michael Newman: Yes, there are. We have a number of people, some older membership and some new membership, certainly, who are very proficient in French as a first language.

M^me^ France Gélinas: How would you describe the heritage of backgrounds and cultural backgrounds on your board? Do you have a diverse board?

Mr. Michael Newman: We have a very diverse board now.

M^me^ France Gélinas: Any members from the First Nations?

Mr. Michael Newman: Yes, we do. I believe we have one right now from First Nations, and I only know of the one. I may be wrong because we don't talk about where we come from. We're all from here. I know of one in particular because I know that she lives on a reserve and she's a lawyer, but I'm not aware of any others.

When I first started, we didn't have any male lawyers in Toronto, for example. Now I would probably say more than half the lawyer membership—I may be wrong, but certainly it's now definitely balanced as far as male/female. It's very culturally diverse. There are all backgrounds, all cultures—I don't want to say "all." We all came from somewhere, and we certainly have a lot of people from a lot of different places on the board, which is a good thing.

M^me^ France Gélinas: Do you have any personal or family connections with people with severe mental illness?

Mr. Michael Newman: Actually, I have a sister who has been a resident in Rideau Regional Centre for a long time. Rideau Regional Centre is a facility in Smiths Falls, Ontario. She resided at home with us until she was about 13. I come from a family of six kids. I'm the oldest of six children. My sister has been there for a long time. She's in the last ward that is actually open in that facility, I understand, right now. She's still there because my parents are both alive, and they're not married to each other anymore, and they have not been able to agree as to where she should reside. She remains as a patient in that facility. That's the closest I can say that I have in my immediate family.

M^me^ France Gélinas: Those are all my questions.

The Chair (Mrs. Julia Munro): Thank you very much for being here. That concludes the time we have available. You may step down.

Mr. Michael Newman: Thank you.

ERICA CURTIS

Review of intended appointment, selected by official opposition party and third party: Erica Curtis, intended appointee as member, North Simcoe Muskoka Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our third interview is with Erica Curtis, the intended appointee as member, North Simcoe Muskoka Local Health Integration Network.

Welcome, and thank you for coming here this morning. As you may be aware, you have an opportunity, should you wish to do so, to make some remarks to the committee. Subsequent to that, we will move around in rotation for questions from the committee. Please begin.

Ms. Erica Curtis: Thank you for the opportunity to appear before your committee today to discuss my qualifications with respect to the position on the board of the North Simcoe Muskoka LHIN.

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My interest in the LHIN began when I was asked to facilitate an initial planning meeting of the end-of-life care network for our LHIN area. At that time, the provincial government had given priority to the development of end-of-life services for all 14 LHINs in the province. Many issues were on the table for our area, not the least of which was integrating a new area, Muskoka, into the program, as well as the emphasis on engaging non-profit, charitable organizations to maximize services while avoiding overlap.

I was impressed with the positive and co-operative attitude that was demonstrated by the participants and by the positive support given by the staff of the North Simcoe Muskoka LHIN. I thought, "This process really can work for the improvement of health care," and I followed with interest our LHIN as it developed its priorities and encouraged participation of stakeholders. After sending my application to the North Simcoe Muskoka LHIN, I was interviewed by the chairman, Mr. Rosen, and the chair of finance, Ms. Stevenson. It appears that this attitude goes from the top down, which was very encouraging.

With regard to my qualifications to become a member of this board, I have worked in health care most of my adult life, first as a nursing teacher in Montreal, followed by a hiatus as I raised my young family. During these years, I volunteered doing women's groups at the YMCA and was a member of their board as well. I went back to work at the Royal Victoria Hospital in Barrie in 1980 as supervisor of nursing and psychiatry. At that time, I also helped initiate a program of quality assurance for the hospital. This, of course, has become a regular feature of ongoing hospital evaluation procedures, but it has become much more sophisticated since I was there.

In 1984, having taken further and ongoing training as an individual and group counsellor, I worked in the outpatient psychiatric department as an intake counsellor, as well as doing individual and group counselling. At this time, I also did a maternity leave for the educational

director of the hospital, which included planning and responsibility for nursing and medical educational events.

In 1992, I left the hospital, began a private practice and also did part-time work as a group therapist at the Brief Psychotherapy Centre for Women at Women's College Hospital in Toronto. At this time, I was also a member of the faculty of the Canadian Group Psychotherapy Association, which oversaw the two-year training program for group therapists. In 1996, I was honoured to be named a fellow of this organization.

In 1998, I was hired as a consultant for women's health at Royal Victoria Hospital, and during that time we developed a program to recognize and offer assistance to patients and staff who had experienced family violence. It was also at this time that the hospital began their breast screening program and regular bone density screening and rehabilitation services, and started a program for women who had heart attacks.

The hospital took on an outreach educational program to help educate women in the community so that they would be familiar with the programs and services offered by the hospital and the other agencies. This has been taken out of the hospital realm and is now done through public health and the CCAC.

I was asked to be a board member of the Royal Victoria Hospital in 1992, and I remained on the board for nine years. During that time, I was chair of the quality improvement committee, chair of the management committee and vice-chair of the board. In these positions, our board had to deal with many difficult financial and service decisions as the plans for our new hospital were being made.

I was most proud of the initiation of the educational component for the board that I helped to start. It began with the introduction module for our board and expectations for board members, followed by regular educational sessions to educate the board on issues of health care and hospital functions.

I have also been involved as a volunteer in many organizations over the years: the epilepsy association, the mental health association, a local women's Liberal group and also the local hospice association. Most of my involvement has been as a volunteer with Hospice Simcoe, where I have been leading eight-week groups for people who have lost a spouse or a child. I have also taught group facilitation skills to hospice volunteers on a number of occasions, as well as doing some facilitation for their strategic planning.

In 2007, I was thrilled to be given the June Callwood Award for service to Hospice Simcoe.

Good health care is a priority for us all. The LHIN is a way that we can make decisions appropriate to our area and also be accountable to the people we serve. I look forward to having that open relationship with the people in our area. Thank you for your time.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move in our questioning to the official opposition, Ms. MacLeod.

Ms. Lisa MacLeod: Mr. Hillier will take the first questions.

The Chair (Mrs. Julia Munro): Okay.

Mr. Randy Hillier: Thank you very much for being here today. I have a couple of brief questions. Are you a member of any political party?

Ms. Erica Curtis: I believe I am. I was solicited for a membership recently and declined, so I'm not sure whether it's finished yet or not.

Mr. Randy Hillier: That would be provincial or—

Ms. Erica Curtis: The provincial Liberals.

Mr. Randy Hillier: Have you made any donations?

Ms. Erica Curtis: I made a donation to the Carroll campaign in the last election.

Mr. Randy Hillier: Have you ever worked or volunteered on any election campaigns?

Ms. Erica Curtis: I have gone door-knocking.

Mr. Randy Hillier: For?

Ms. Erica Curtis: For Aileen Carroll, Janice Laking and a number of others, including Conservative candidates.

Mr. Randy Hillier: Great. That's super. Thank you very much.

Ms. Lisa MacLeod: I've got a few questions. I'm just curious; you said that you're not a member of the Liberal Party. Are you the president of the Barrie Women's Liberal Association?

Ms. Erica Curtis: No, I'm not. I initiated it, so I was called the president for about a year, but it wasn't an official designation. The group is more or less defunct at this point.

Ms. Lisa MacLeod: Oh, it's defunct. It's interesting. I just noticed that the Barrie-Simcoe-Bradford Ontario Liberal Party Riding Association has a website which does have you included here. I guess that information is wrong.

You mentioned you worked on one of the cabinet minister's campaigns. Could you clarify that for me?

Ms. Erica Curtis: I knocked on doors about three or four times and that's about it.

Ms. Lisa MacLeod: Could you say her name?

Ms. Erica Curtis: Aileen Carroll.

Ms. Lisa MacLeod: Who is the Minister of Culture.

Ms. Erica Curtis: Yes.

Ms. Lisa MacLeod: Could you explain to this committee how you came to hear about this public appointment?

Ms. Erica Curtis: As I said, I worked as a facilitator for the end-of-life services, which includes Hospice Simcoe, and I did a strategic planning day for them. At that time, I was aware of what the LHIN was doing. After that, I followed it on my website. That's about it.

Ms. Lisa MacLeod: Were you approached by anybody in the Liberal government to put your name forward?

Ms. Erica Curtis: No. I applied myself to the public appointments committee. Then I sent a copy of that to the local LHIN and I was interviewed after that by the—

Ms. Lisa MacLeod: Okay. What would you see as the most obvious need in taking on this appointment? North Simcoe-Muskoka is one of the fastest-growing areas of the province. It has a population of approximately 417,000. It's got a growing retirement community which will require additional resources for the treatment of age-related illnesses and conditions. It's got a large aboriginal population. Your budget is $3 million for 2007-08—and it has 20 permanent staff. How do you see the most obvious need in this LHIN?

Ms. Erica Curtis: I have read their information. It certainly is apparent to me that long-term care is a huge issue, as you were mentioning with the previous person being interviewed. We do not have enough beds for long-term care, and that will be a major effort, I'm sure.

Also, the aboriginal population is developing some very interesting programs, and I think we will need to support that and work with that. Addiction is a huge issue. Also, the general health of the population apparently is not up to that of the average Ontarian. I think diabetes is a huge issue, and just doing a lot of health-related education for people who live here or live in our area.

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Ms. Lisa MacLeod: Do you see any role for private investment in the public delivery of health care, to assist your work at the LHIN?

Ms. Erica Curtis: I don't have a lot of experience in that, but what I have seen in the end-of-life care network, it includes all the regular institutional groups such as CCACs, charitable organizations such as Hospice Simcoe and also some of the nursing care agencies that are for-profit. My experience in that is that they try to co-operate enormously and that they need at this point some of the nursing services that are available through private agencies. I think everybody works toward making it a system that works for everybody. It's a very co-operative system, and that's the one I have experience with.

Ms. Lisa MacLeod: Just finally, you did mention to my colleague—and I should have mentioned it earlier; it would have fit logically—that you made a donation to the Carroll campaign. Since that's public information, would you care to tell us how much that was?

Ms. Erica Curtis: It think it was about $200. Is that correct? My husband and I did it together and I think he wrote the cheque.

Ms. Lisa MacLeod: That's all I have. Thank you.

The Chair (Mrs. Julia Munro): We'll move on to Mrs. Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park, Mrs. Curtis.

Ms. Erica Curtis: Do I speak French? It's made my hands sweaty. I used to.

M^me^ France Gélinas: No need.

Ms. Erica Curtis: I grew up in Montreal and I actually worked at Expo 67 in French and felt quite comfortable, but the thought of having to speak it today makes my hands perspire. I can read French, I hear French and I understand it, but I might be unable to speak to you today.

M^me^ France Gélinas: Let's just say that the 1960s were a long time ago and a lot of people have forgotten what they did in the 1960s. So don't feel too bad.

I was interested in the program you started in the hospital setting that now is being offered in the community. In your opinion, was this a wise choice?

Ms. Erica Curtis: Well, I was very devoted to this particular program and thought it was very excellent. However, hospitals are under such a crunch; they really can't afford to be doing outreach to the community in that format. I recognize that. Their money is very essential in the hospital commitments. However, I believe it has made a difference to our community, and there is still support in the community for women's education around health. It does not exist in the hospital at this point in the same format.

M^me^ France Gélinas: Through the wealth of experience that you bring to this job, it's obvious you have worked in the hospital sector. You've also had involvement with community-based agencies through the hospice etc. Some people, looking at LHINs, feel that the hospital has a much more powerful lobby to get resources than any other agencies that are under the responsibility of the LHIN. How do you intend to address that?

Ms. Erica Curtis: I agree with you that there will be a lot of pressure on the funding. I actually assumed that there was a stated amount that the hospitals will receive, or have received up until this point, and that there is also a protected amount for other services.

M^me^ France Gélinas: I wish you were right.

Ms. Erica Curtis: I'm not right? No? Well, I will be very interested in how the community fares and to keep the balance between that and the hospitals. I think actually the Ontario government has said that it is important to facilitate community organizations that support health and wellness, and hopefully that will improve the general health of the population. We have a big issue in Simcoe county with seniors and we will need to be giving them support services and in-home support services, that sort of thing, which will probably be quite expansive.

M^me^ France Gélinas: Way cheaper than bringing them into the hospital.

Ms. Erica Curtis: Absolutely.

M^me^ France Gélinas: Talking about home care services that are managed by CCACs, there is now a moratorium on the awarding of contracts to home care services because of what happened in Hamilton. Are you aware of the competitive bidding process used to award home care contracts to CCACs?

Ms. Erica Curtis: I was aware of it in the past; I don't know the situation currently.

M^me^ France Gélinas: The situation is the same except that there's a moratorium, so no more contracts are being awarded. The existing ones just continue. With your knowledge of health care, is competition within health care agencies something you would support?

Ms. Erica Curtis: I think that that is what it's about these days because everybody's trying to make the most from the money that is given to them. What I have seen

in the end-of-life care network is that there has been a lot of co-operation, and there really needs to be some looking at overlap so that we don't overlap services. There might be some flexibility within that, but that remains to be seen, actually.

M^me^ France Gélinas: I would agree with you that the way to provide excellent care is through collaboration, and to set up a program like competitive bidding, which makes health care agencies compete within themselves, is not in the best interests of quality care. You have seen it on the ground, that when different health care providers coming from different agencies collaborate together, you get the best care. We have and you have, through your appointment to the LHIN, an opportunity right now to change this so that we don't have any more of this competition between agencies but we get the agencies to share best practices, to work together so that we have an excellent health care system. I hope you will take the opportunity, through your appointment, to make sure that we don't continue down the road of competition but go the road of collaboration between health care agencies.

Ms. Erica Curtis: That would be my hope as well.

M^me^ France Gélinas: My last point is, you have mentioned that there are some for-profit nursing services providing care for end-of-life. Do you know if there are any not-for-profit agencies left in home care in your LHIN area?

Ms. Erica Curtis: I'm sorry, I could not tell you that at this point.

M^me^ France Gélinas: Okay. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. This concludes the opportunity at this time. Thank you for appearing here.

THOMAS SARVAS

Review of intended appointment, selected by third party: Thomas Sarvas, intended appointee as member, North West Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our fourth interview is with Thomas Sarvas, the intended appointee as member, North West Local Health Integration Network.

Good morning, Mr. Sarvas, and welcome to the committee. As you may be aware, you have an opportunity, should you wish to do so, to make some comments, and subsequent to that, we will have questions from members of the committee. In our rotation, we will be commencing with the third party. Each party has 10 minutes, and your remarks are in the time allotted to the government. You may wish to begin.

Mr. Thomas Sarvas: Thank you. As you stated, my name is Thomas Sarvas. I am more commonly known as Tom Sarvas. I'd like to wish the Chair and members a good morning. I am pleased to have the opportunity to appear before this committee to discuss my qualifications with respect to membership on the board of directors of the North West Local Health Integration Network.

It is my understanding that, as you note, I'm expected to provide an opening statement. I'd just like to state that, first of all, I'm a lifelong resident of northwestern Ontario. I grew up in a very small northwestern Ontario mining town called Burchell Lake, which was close to Atikokan, Ontario. I have lived all of my adult life in Thunder Bay, Ontario, which is where I received my secondary and post-secondary education and my professional training. As such, I do believe that I have some insights and can readily relate to the health services concerns of many of the residents of northwestern Ontario.

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By trade and profession, I am a chartered accountant, and I am licensed to practise public accounting in the province of Ontario. I have more than 25 years of experience in all aspects of public practice, primarily auditing, accounting, taxation and consulting.

Since 1992, I have been self-employed as a partner in a four-partner, full-service chartered accounting firm located in Thunder Bay and servicing northwestern Ontario. Much of my practice involves the provision of audit services to a wide variety of not-for-profit social service agencies. I had also previously been the auditor for both the Thunder Bay District Health Council and the Northwestern Ontario District Health Council.

This aspect of my public practice has provided me with, I feel, a useful base of core knowledge in the areas of not-for-profit financial reporting issues, financial accountability issues, corporate governance, issues surrounding government and service provider relationships, which I believe will help me in fulfilling my responsibilities as a LHIN board member.

In addition, over many years I have been fortunate to have worked extensively in the provision of audit services to many different northwestern Ontario First Nations and aboriginal organizations and agencies. This, I believe, has provided me with some appreciation and understanding of some of the health-care-related issues and concerns of those communities.

In terms of direct not-for-profit board experience, as I have indicated in my application, I have, over the past 15 years, served as a volunteer director for not-for-profit social service organizations. Most recently, and for more than 10 years, I have served as treasurer for the board of directors for the George Jeffrey Children's Centre, which is an organization providing habilitative and rehabilitative services to physically and developmentally challenged children in northwestern Ontario.

My involvement with the George Jeffrey Children's Centre has provided me with, I feel, useful experience regarding the challenges of trying to provide needed clinical services such as speech, occupational and physical therapy services in an environment with a limited budget and difficulties in finding and retaining required health professionals, while reducing the waiting list of child clients.

I just recently participated in a weekend-long retreat with this board that focused on corporate governance and strategic planning. It is obvious from my summary of qualifications that I have no direct education or training in any of the health services disciplines. My strengths lie

more in the areas of financial analysis, management and decision-making, which I hope the other board members will find useful.

I am prepared to work hard on this board: to learn from the other board members as best I can; to come to the meetings well prepared; to listen and consider all viewpoints; to use my best efforts to work together with the board to try to fulfill the stated mandates and responsibilities of the LHIN; and to always keep in mind the best interests of the clients and patients of northwestern Ontario.

I can assure this committee that I come to the table completely unbiased, with no personal agenda of any kind. I plan to work hard, learn and keep an open mind at all times.

I have noted previously that it is my understanding that applicants asked to appear before this committee can expect to be asked questions regarding political partisanship. Let me just state at the outset that I am not politically active with any party. I am not a card-carrying member of any party.

In the interests of full disclosure, I will mention that I did once, a number of years back, serve as the official agent for a candidate in a federal election who represented the Conservative Party of Canada. To the best of my knowledge and recollection, that was the only time I contributed to a party or bought a membership.

Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Gelinas.

M^me^ France Gélinas: I notice that in your references you mention Wendy Talbot. How do you know Wendy?

Mr. Sarvas: I know Wendy through my involvement as auditor for the community health centre.

M^me^ France Gélinas: Which other health or social agency have you been doing auditing work for?

Mr. Sarvas: As part of my application process, I provided a full disclosure of anything that I felt might be a conflict. I believe on the list there were two other clients that I am an auditor for, and I think three of those clients that they deal with that we do provide some bookkeeping services to. So I have stated that I would have to recuse myself from anything dealing with those agencies, any type of decisions regarding those agencies.

M^me^ France Gélinas: Very good. The geographical area covered by the North West LHIN is humungous. How do you intend to make sure that you represent all of the people in your LHIN catchment area?

Mr. Thomas Sarvas: It's my understanding that the staff at the LHIN are working very hard on trying to include all of the areas by having the meetings available by teleconferencing and rotating amongst the towns. I know that it's a tremendous effort on their part to try to include everybody. I've read through the newsletters and I can see evidence of the fact of the effort on that part.

M^me^ France Gélinas: Are you familiar with community care access centres?

Mr. Thomas Sarvas: I'm aware of them. I've never dealt with them.

M^me^ France Gélinas: If you were listening to some of the questions I asked before, they use a process called competitive bidding, where different health care agencies compete between themselves to be awarded a contract to provide home care services. I just wanted to know your views about that.

Mr. Thomas Sarvas: Actually, I should state that I do recall now; I think approximately seven or eight years ago, as part of my duties on the board of the George Jeffrey Children's Centre, we did have to go through the bid process through CCAC, and we actually lost services that we were providing because we were outbid by private providers. In terms of my view on that, I would reserve judgment. I wouldn't discount any process that in the end is in the best interests of the clients and patients.

M^me^ France Gélinas: Competition between health care agencies serves no one well, and the not-for-profit sector, like your children's treatment centre that you sit on, has been decimated. They are very few not-for-profits left in the home care sector, where we have mainly for-profits which basically make money on the back of our publicly funded health care system. So I'd like you to keep that in mind as you start your functions.

Mr. Thomas Sarvas: I certainly will.

M^me^ France Gélinas: I know that coming from Thunder Bay must have been no picnic, with the weather we had last night.

Mr. Thomas Sarvas: I spent a lot of time on the plane yesterday.

M^me^ France Gélinas: I have no doubt. So I thank you for coming all the way out here.

Those were my questions. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move to Mrs. Van Bommel.

Mrs. Maria Van Bommel: I want to also say thank you very much, Mr. Sarvas, for coming to this committee. I know as an accountant you're probably feeling a little bit pressed at this time of year. The very fact that you're here and that you've come from Thunder Bay certainly is an indication of how important this appointment is to you. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move on to Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, Mr. Sarvas, for coming today. I appreciate your appearance here today.

You've got a very impressive background. It's very refreshing to see somebody come in with the qualifications that you have. I would suggest, though, that you've got limited experience dealing with health care issues. I just wanted to know if you have an understanding or sense within your own community of what the key health issues are. In particular, because it is a part of rural Ontario and my colleague and I both represent rural Ontario ridings, would you be able to share with us and this committee some of the unique challenges that you think your LHIN will be facing?

Mr. Thomas Sarvas: Certainly the key issues that we're facing are access to care for all segments of the

population. Even for people in Thunder Bay, as throughout Ontario, I guess, there's definitely a shortage of services. People have difficulty finding family doctors, and I'm well aware of that. There are long waiting times to get treatment. People in the outlying areas have difficulty accessing the system. It's costly. So I think that that is probably the number one issue, accessibility to health care.

I know long-term care is an issue. We do have an aging population in Thunder Bay, and certainly in my research leading into this, I know that this is becoming a larger issue.

Involvement of the growing aboriginal community is a major issue. In particular, it's difficult to deal with accessibility for them, for very remote communities. There's a lot of work, I know, being done with e-medicine or teleconferencing and those types of things and trying to encourage more involvement with them. I know that is a major issue.

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Ms. Lisa MacLeod: So you support innovation in the health care field for better access.

Mr. Thomas Sarvas: Absolutely.

Ms. Lisa MacLeod: Would that include private investment in the public delivery of health care?

Mr. Thomas Sarvas: I'm a big believer in public funding for health. I wouldn't discount any options that I think, as I said previously, would in the end serve the community best.

Ms. Lisa MacLeod: Okay. So you're not—

Mr. Thomas Sarvas: I'm not advocating for it, no.

Ms. Lisa MacLeod: But you would be open to it if it worked?

Mr. Thomas Sarvas: As I said, I would listen to any and all arguments and make my decision at that time. But I'm a believer in public funding for health.

Ms. Lisa MacLeod: All right. Thank you very much.

The Chair (Mrs. Julia Munro): That concludes the questions from the committee. Thank you very much for being here today. You may step down.

Mr. Thomas Sarvas: Thank you for listening.

PATRICIA HARRISON

Review of intended appointment, selected by third party: Patricia Harrison, intended appointee as member, board of management for Homes for the Aged and Rest Homes–Nipissing East.

The Chair (Mrs. Julia Munro): Our final interview today is with Patricia Harrison, who is an intended appointee as member of the board of management for Homes for the Aged and Rest Homes–Nipissing East. Ms. Harrison, please come forward.

Good morning, and welcome to the committee. I would just inform you, as you may already be aware, that you have an opportunity to make an opening statement. That will be followed by questions from the members. We will commence questioning this time with the government party. Each party has 10 minutes. You may begin.

Ms. Patricia Harrison: Madam Chair and members of the standing committee, good morning. Thank you for the opportunity to speak with you regarding the confirmation of my appointment as member of the board of management for Nipissing East homes for the aged.

I have acquired experience in supervision and management over the years but none of my skills or talents are health-related. My reasons for applying to the board as a member are of a personal nature. My father was a resident of Cassellholme and I know the anxiety and frustration he had as a patient and the difficulties we encountered as a family. Having someone admitted to a nursing home is a very traumatic experience for all concerned.

I would be a compassionate and strong board member and do my very best for the interests of all residents, including the families of the residents. There are many problem areas in the geriatric health care field and they will only get bigger and more costly with the aging of the baby boomers. We will need board members who have the time and the desire to help sort out these challenges for our seniors.

Over the years, my community has been very good to me and I now have the time to give back, and I've chosen the elderly to help.

The Chair (Mrs. Julia Munro): Thank you, and we'll begin. Any comments from the government?

Mr. David Ramsay: As a fellow northerner, I'd like to welcome you here today and to thank you for giving your valuable time and your experience and expertise to the public good. We very much appreciate that. I know Monique Smith, your MPP, has high regard for you and thinks that you'll make a very good appointment. We very much appreciate that. I think it's good that people of all political persuasions can roll up their sleeves and want to do the public good in this province. We welcome you to do your work.

The Chair (Mrs. Julia Munro): Thank you. Ms. McLeod?

Ms. Lisa MacLeod: Welcome, Ms. Harrison. I have a quick question. My colleague opposite mentioned that you are affiliated with the MPP for the area, Monique Smith. Have you ever been approached by Ms. Smith to apply for the membership of this board?

Ms. Patricia Harrison: No.

Ms. Lisa MacLeod: Were you approached by anyone in the Liberal Party to put your name forward?

Ms. Patricia Harrison: No.

Ms. Lisa MacLeod: And were you a campaign member of Monique Smith's campaign?

Ms. Patricia Harrison: No. I'm not affiliated with Ms. Smith at all.

Ms. Lisa MacLeod: Okay. We, the official opposition, notice on your application form that you have two different addresses on your resumé; one is scratched out. Could you explain that for us?

Ms. Patricia Harrison: Because I lived with my parents part-time while my dad was sick.

Ms. Lisa MacLeod: Pardon me?

Ms. Patricia Harrison: I lived with my parents part-time when my dad was sick.

Ms. Lisa MacLeod: I see. Why is this particular appointment for you—your speech was very brief. We're interested in what interest you have in this ABC and what background you have that would help you do this work effectively. Your resume, to be honest, suggests you have very little knowledge with respect to the medical field.

Ms. Patricia Harrison: No, I don't. I have none, really. I would work hard and try and learn. I just feel that I could help, knowing what I do about the nursing home that my dad was in. We had a wait of approximately a year.

Ms. Lisa MacLeod: How long?

Ms. Patricia Harrison: A year.

Ms. Lisa MacLeod: Could you speak closer to the microphone? I can't hear you.

Ms. Patricia Harrison: We had a wait of about a year while he was in a regular hospital.

Ms. Lisa MacLeod: So it's your previous experience that has drawn you to this. How did you come about learning about this appointment?

Ms. Patricia Harrison: I was on the Internet and I found it under the government site. I was just kind of fooling around and I got on the health site and was looking through it and ended up there.

Ms. Lisa MacLeod: In your opinion, what are the needs of your own community with respect to the aged and rest homes? Are they being addressed presently by this government and are there some major challenges out there that you think you can assist them in overcoming?

Ms. Patricia Harrison: Apparently, I was reading, we have one of the largest populations heading toward nursing homes. I think we're going to need more of them up there.

Ms. Lisa MacLeod: So you're a personal advocate of more long-term-care spaces and more beds?

Ms. Patricia Harrison: Mm-hmm.

Ms. Lisa MacLeod: Do you know, in your area for example, how many beds you are short? For example, in the city of Ottawa, anywhere between 250 to 800—

Ms. Patricia Harrison: No, I'm sorry. I don't know how many we're short; to be honest, I don't.

Ms. Lisa MacLeod: Long-term-care facilities have been in the news recently with respect to services and the quality of care being delivered at them. It is stated that current funding levels are unacceptable to provide front-line care. Do you agree?

Ms. Patricia Harrison: When anything is funded, there's always a limit. So I would like to see more. Can they give it? I don't know.

Ms. Lisa MacLeod: Are you a personal advocate of innovation in the health care field, so that we can move forward in terms of more private investment into the public delivery of health care?

Ms. Patricia Harrison: I kind of agree with a bit of both; I think more public and a bit of private.

Ms. Lisa MacLeod: Okay. All right, that's the end of our questioning. Thank you very much. I guess my colleague—

The Chair (Mrs. Julia Munro): Mr. Hillier?

Mr. Randy Hillier: Just for the record, I wanted to clarify, you're not a member of any political party?

Ms. Patricia Harrison: I'm a member of the Conservative Party of Ontario; and federally. Also, I'd like to state that Mike Harris was my brother-in-law. Don't hold it against me.

Ms. Lisa MacLeod: This is the first time we've been able to do that.

Interjection.

The Chair (Mrs. Julia Munro): Order.

Mr. Randy Hillier: You keep good company, then.

Ms. Patricia Harrison: I do.

Mr. Randy Hillier: Those are all my questions. Thanks.

The Chair (Mrs. Julia Munro): Ms. Gélinas, can we move on, then?

M^me^ France Gélinas: Thanks for coming down. I usually start my questioning with—you live in an area with lots of French-speaking people. Are you able to speak French?

Ms. Patricia Harrison: No, I'm not. I understand a fair amount of it, but I don't speak it.

M^me^ France Gélinas: I couldn't be sure from your resumé; have you ever been on a board of directors for a not-for-profit agency?

Ms. Patricia Harrison: No, I haven't.

M^me^ France Gélinas: Okay. What is your understanding of governance?

Ms. Patricia Harrison: Governance of?

M^me^ France Gélinas: That's what boards of directors do. They're the governance for the agency.

Ms. Patricia Harrison: Well, from my understanding, they look after several homes in the Nipissing district, Nipissing East. They look after hiring the administrators, I believe a doctor for each facility; looking after the furnishing and the running of the homes.

1100

M^me^ France Gélinas: Have you ever participated in an exercise of strategic planning for an agency of any other task related to governance?

Ms. Patricia Harrison: No, just my own business; that's it.

M^me^ France Gélinas: Okay. Do you know if Cassellholme is a not-for-profit home?

Ms. Patricia Harrison: You know, I'm not 100% sure. I know that we paid for my dad ourselves and I believe others get help, but I really don't know.

M^me^ France Gélinas: Are you satisfied with the level of care your dad is getting?

Ms. Patricia Harrison: Was getting; yes.

M^me^ France Gélinas: Sorry, was getting?

Ms. Patricia Harrison: Yes, yes. I thought they were very good. I really did.

M^me^ France Gélinas: Those were my questions. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questioning from the members of the committee. You may step down. We will now move on to concurrences. Our first considered appointment is that of Michael Lemay, the intended appointee as vice-chair, Champlain Local Health Integration Network.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Michael Lemay.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? Thank you. The motion is carried.

We will now consider the intended appointment of Michael Newman, intended appointee as member and vice-chair, Consent and Capacity Board.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Michael Newman.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? The motion is carried.

We will now consider the intended appointment of Erica Curtis, intended appointee as member, North Simcoe Muskoka Local Health Integration Network.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Erica Curtis.

The Chair (Mrs. Julia Munro): Any discussion?

Ms. Lisa MacLeod: Recorded vote, please.

Ayes

Brown, Flynn, Gélinas, Ramsay, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Thomas Sarvas, intended appointee as member, North West Local Health Integration Network.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Thomas Sarvas.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? The motion is carried.

We will now consider the intended appointment of Patricia Harrison, intended appointee as member, board of management for the Homes for the Aged and Rest Homes–Nipissing East.

M^me^ France Gélinas: Recorded vote, please.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Patricia Harrison.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour?

Ayes

Brown, Flynn, Ramsay, Sandals, Van Bommel.

Nays

Gélinas.

The Chair (Mrs. Julia Munro): The motion is carried.

That concludes our business on intended appointments. I'd certainly like to congratulate those people who were here today.

Before we adjourn, committee members, I would just like to have a brief discussion here in terms of suggesting that we have a subcommittee meeting for the purpose of bringing forward a list of agencies. I'm recommending that the subcommittee consider doing this prior to our meeting date next week. Any discussion on that?

Ms. Lisa MacLeod: At your leisure.

The Chair (Mrs. Julia Munro): So at the call of the Chair. All right, this committee stands adjourned.

The committee adjourned at 1105.

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Official Report of Debates (Hansard)

Wednesday 2 April 2008

Journal des débats (Hansard)

Mercredi 2 avril 2008

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Intended appointments

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 2 April 2008

Mercredi 2 avril 2008

The committee met at 0935 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Good morning and welcome to the standing committee on government agencies. Members, you do have an agenda before you.

The first item is the report of the subcommittee on committee business dated Thursday, March 27. I'd ask for its adoption.

Mrs. Maria Van Bommel: I move the adoption of the report of the subcommittee on committee business dated Thursday, March 27, 2008.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

RAJ ANAND

Review of intended appointment, selected by official opposition party: Raj Anand, intended appointee as chair, Human Rights Legal Support Centre.

The Chair (Mrs. Julia Munro): We'll move to appointment reviews now. Our first interview today is with Raj Anand, intended appointee as chair, Human Rights Legal Support Centre.

Good morning. Please come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from the members of the committee. This morning we will begin our questioning with the official opposition. Please begin, Mr. Anand.

Mr. Raj Anand: Thank you. Bonjour, madame la Présidente et les membres du comité. Il me fait grand plaisir de me présenter devant votre comité ce matin. Je vais commencer avec ma naissance.

I was born in India, a child of parents who met during university in Lahore in what was then British India. At partition in 1947, they were on one side of the cavalcade of humanity that saw Hindus fleeing from what became Pakistan and many Muslims leaving what became India. Upon immigrating to Montreal as a minority within a minority in Quebec, we grew up with a particular understanding of the need for tolerance and the importance of resolving disputes between English- and French-language communities without violence or separation.

After graduating with the Dean's Key from the University of Toronto law school in 1978, I entered practice as a civil litigation and administrative lawyer.

The Human Rights Legal Support Centre lies at the intersection of two of my personal and professional preoccupations over the last 28 years: access to justice, and equality. Twenty years ago, I was chief commissioner of the Ontario Human Rights Commission, appointed by the Liberals. I later served as a member of the Human Rights Tribunal and the police civilian complaints board of inquiry, appointed by the NDP. I've also been an adjudicator at the University of Toronto and at the law society.

Comme membre du Comité d'audition du Barreau du Haut-Canada, j'entend les causes ou en anglais ou en français.

Over the last two decades, I have represented racial minorities, women, aboriginal women, gays and lesbians, social assistance recipients, persons with disabilities and others in constitutional and human rights litigation. I've worked closely with community organizations representing all of these groups. I've also represented employers, co-operative corporations and other parties who respond to complaints against them under the Human Rights Code. I have been involved as counsel in challenging legislation and policies of provincial governments, whether NDP, Conservative or Liberal, including the spouse-in-the-house welfare application, in which we were successful in striking down an unconstitutional law on behalf of single mothers.

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I have participated on the board of two community legal clinics, including as a founding member of the Income Security Advocacy Centre in 2000. I've been on the board of the Centre for Addiction and Mental Health. I was the first recipient of the Advocates' Society's Award of Justice when it was created in 1997—under its terms, the lawyer who best combines excellence in advocacy with representation of the disadvantaged.

In 2003, the Law Society of Upper Canada awarded me the Law Society Medal, which is the highest honour bestowed upon a member of the bar for service to the public.

I currently serve as member of the Equality Rights Panel of the court challenges program, which, contrary to popular belief, still exists. I have been a founding member of an organization called Pro Bono Law Ontario, which is designed to facilitate and encourage lawyers to

do legal work on a pro bono basis. I was its president for two years.

Et je suis membre du conseil d'administration d'Aide juridique Ontario, et j'ai été élu en 2007 au Conseil d'administration du Barreau du Haut-Canada.

Last June, I was named Professional Man of the Year by the Indo-Canada Chamber of Commerce. I've also served minorities, particularly racial and ethnic minorities, as chair of the Minority Advocacy and Rights Council. I teach administrative law to graduate law students at the Osgoode Hall Law School.

Human rights enforcement has been sorely inadequate in this province and across Canada from all perspectives: from those complaining, from those being complained against. The phenomenon is well known and has resulted in many inquiries and reports.

In the year 2000, former Justice LaForêt of the Supreme Court of Canada was commissioned to chair a task force on behalf of the federal government to look into this issue, among others, at the federal level. After hearing from all sides that the human rights enforcement process was broken and needed to be fixed, his task force asked me to formulate for them the remedial mechanism that should exist. What I proposed and what was ultimately adopted essentially was a direct access model where one files a complaint with a tribunal, along with legal representation and assistance from an independent body. That is what has been created under Bill 107: a legal support centre, in which legal services are required to be provided to applicants in both official languages.

I view this task as an enormous challenge and opportunity, if I'm appointed. It is an innovative experiment, the first in North America, and it's an important reform in the promotion of equality rights in this province.

I'm honoured to be nominated to help put in place this unique access-to-justice administrative structure to promote equality in this province.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move to Ms. MacLeod.

Ms. Lisa MacLeod: Thank you, Mr. Anand, for coming here today. I have a series of questions for you. Yours has been the first candidacy that sparked an independent e-mail from one of my constituents. I'm just questioning, if you can tell us, how you came to know about this position and how it was made available to you.

Mr. Raj Anand: I knew that the board of the Human Rights Legal Support Centre would be created because I was following closely the progress of Bill 107, which creates it. So I knew at some point that it would be posted. I learned from someone in the community—I don't actually recall whom, but I suspect it was a lawyer—that it had been posted. I looked it up on the Internet and I applied.

Ms. Lisa MacLeod: Okay. Can you tell me if you gave any advice to the Attorney General during hearings from Bill 107, before public hearings or after public hearings, with respect to the Human Rights Legal Support Centre?

Mr. Raj Anand: No.

Ms. Lisa MacLeod: Did you give any advice at all to the Attorney General with respect to Bill 107?

Mr. Raj Anand: No.

Ms. Lisa MacLeod: Okay. Are you aware of your per diem for this committee?

Mr. Raj Anand: Yes. I haven't seen it, but I understand from persons in the Public Appointments Secretariat what it is.

Ms. Lisa MacLeod: Could you clarify that for us?

Mr. Raj Anand: Five sixty-six per diem, I believe.

Ms. Lisa MacLeod: How many days are you expecting to sit?

Mr. Raj Anand: It depends on what time frame you're talking about. In the current time frame, in the run-up to the effective date of the legislation, which is June 30, it's going to be an intense period in which—I can't tell you for sure, but I would estimate that it could occupy up to half my time.

I understand that the expectation in the steady state, once the effective date has been passed and the centre is in place, is that this is a policy board which will meet monthly and that my involvement would be approximately one or two days a month.

Ms. Lisa MacLeod: So one or two days a month, which is $1,100 a month. But up until then, you could be working maybe—would it be fair to say 100 days in the next three months? Sorry; there's not even 100 days in the next three months, but up until—

Mr. Gilles Bisson: A lot of overtime.

Ms. Lisa MacLeod: Yes, a lot of overtime. What—

Interjections.

Ms. Lisa MacLeod: Excuse me. How many days are you expecting to work up until that period of time?

Mr. Raj Anand: I've given you my best estimate.

Ms. Lisa MacLeod: Which is half of your time, but you haven't given me any days. How many days do you expect?

Mr. Raj Anand: You're asking, how many days is half of my time?

Ms. Lisa MacLeod: I'm asking you how many days you expect to dedicate to this position once, or if, you are confirmed.

Mr. Raj Anand: Well, I have a full-time practice—I have, for most of 28 years—and I'm maintaining that practice. I'm also a bencher of the law society and, like all of us, I have other commitments.

So I've given you my best estimate, which would be as many as—I would hope it doesn't take as many as that, because there's a concern, obviously, in terms of the time that's available—half of the working days. If there are 20 or 25 working days per month, half of that would be perhaps 30 over the next three months.

Ms. Lisa MacLeod: Okay. Thank you. Just to change tracks a little bit, we received an e-mail to the committee from Hakim Abassi, who is from Ottawa, who also happens to be a constituent of mine. He has concerns with your appointment. He has asked us to be very diligent in hearings today and wants us first, as a

Legislature, in all parties, to clear the air on what occurred in 1989.

He provides us with a submission, in which case he says: "In 1989, Raj Anand had to resign amid allegations of inept mismanagement and discrimination within the commission against minorities." This appeared in the Toronto Star on July 23, 1991.

He believes that these allegations are very serious and that, at the time, the opposition of the day—which was the New Democrat and PC parties, similar to today—

Interjection.

Ms. Lisa MacLeod: He was appointed by the Liberals. In any event, at the time there was a call for an inquiry and an investigation. At that time, it did not occur.

My constituent obviously thinks that we need to do some clearing of the air before your public appointment, and I'm wondering if you would like to comment on this.

Mr. Raj Anand: I would say a few things. First of all, the allegations that he refers to were in fact investigated and reported upon by a former judge at the time. On May 29, I believe, of 1989, he issued his report, clearing me of all of the charges that are alleged here. So I don't know what Mr. Abassi's knowledge, if any, is about that.

Secondly, I would say that the complaints that he refers to—and I have looked at the e-mail; it was available to me here—were not the subject of complaints by any employee under the grievance procedures or the Human Rights Code itself, at the Human Rights Commission or otherwise. There were no such complaints to be looked into. They could have been, if complaints had been made by the Grievance Settlement Board, by the Public Service Grievance Board or any other body.

Thirdly, I would say that I don't know anything about the committee hearings that fall, other than what I'd read in the newspaper, and I was not involved in any way in what went on between the political parties in that regard.

The fourth thing I would say is that I would suggest that there is little weight to the allegations that are made, because if the allegation was that there was discrimination against racial minorities, my practice, which I have described to you—involving representation of disadvantaged groups, including, prominently, racial minorities—involved those minority organizations coming to me almost immediately and consistently thereafter in the 1990s when I represented these community organizations, so that I would try to give you some comfort in saying that I don't think the views that are put forward by this constituent are shared by those who were most affected.

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Ms. Lisa MacLeod: Okay. I just have one more question, and then it's going to go to my colleague. You mentioned my constituent, and it wasn't put forward, but Mr. George Bancroft, who was another commissioner with the Ontario Human Rights Commission stated: "I question why not a single non-white person was hired for the seven positions, especially considering the quality of some of the non-white candidates who applied." Would you like to comment on that?

Mr. Raj Anand: Mr. Bancroft wasn't involved in the hiring process.

Ms. Lisa MacLeod: Clearly.

Mr. Raj Anand: I'm not sure what he knows of the candidates, because it was quite confidential, as it should be.

Mr. Randy Hillier: Thank you for coming here today, Mr. Anand. When you started speaking, you gave us the picture of your tolerance and your ability to resolve disputes as one of your hallmarks, but I'm looking at this exhibit, and during your time with the Human Rights Commission, your entire legal staff quit.

Mr. Raj Anand: That's not true.

Mr. Randy Hillier: Well, this is as reported in the Toronto Star.

Mr. Raj Anand: It still isn't true.

Mr. Randy Hillier: "The commission's entire legal staff has quit," with one exception. Most of the senior managers that you hired had no operational staff to direct. It goes on with a litany of items that do not support your assertion of tolerance in resolving disputes, and of course, having to resign doesn't instill confidence that you do have that ability to resolve disputes in your tolerance level.

Mr. Raj Anand: I'm not sure what the items you refer to have to do with tolerance in resolving disputes.

Mr. Randy Hillier: Well, when you have—

Mr. Raj Anand: Let me refer to—

Mr. Randy Hillier: —your entire legal staff quit—

The Chair (Mrs. Julia Munro): Excuse me. Let's have one at a time. Mr. Anand.

Mr. Raj Anand: As I just said, my entire legal staff did not quit, so I'm not sure what to say about that beyond the fact that it's not true.

You've made a sort of broad assertion. The one specific item you've referred to is that the directors who were hired had no operational staff. Well, if you were aware of the circumstances at the time, beyond what you've read in this one e-mail, you would know that this was a time of reform of the structure of the Ontario Human Rights Commission. What was created was a new structure, and when you create a new structure, you hire the director and the director hires his or her staff. That's the nature of the creation of a new structure, and so it stands to reason that when the director is hired, he or she won't have any staff.

Mr. Randy Hillier: I think I'll just end this off by saying I'm quite disturbed that there's a lot of this in your background, your previous experience with the Human Rights Commission. I would hate to see the same thing happen with this new arm of the Ontario Human Rights Commission, the legal support. We could be repeating history, I guess, and the failings if we don't recognize this. Thank you.

Mr. Raj Anand: All I would say is, what you would hate to see repeated was the subject of an independent report, which found that what you're now repeating did not take place.

The Chair (Mrs. Julia Munro): Thank you. We'll move on to Mr. Bisson.

Mr. Gilles Bisson: I just have a follow-up to the questions that were previously asked. I'm going to go through some of the allegations that were made under the Star investigation of 1988, and I just want to ask you some very simple, to-the-point questions. One of the allegations was, "With one exception, all of the commission's non-white senior and lower-level managers who were on staff when" you had taken over—"have been fired or have quit." Is that true or is that false?

Mr. Raj Anand: False.

Mr. Gilles Bisson: Okay, so you're saying false?

Mr. Raj Anand: To my knowledge—

Mr. Gilles Bisson: I'm just asking: true or false?

Mr. Raj Anand: To my recollection, one white senior staff member was laid off, and there is no truth whatsoever to that allegation.

Mr. Gilles Bisson: You're saying false. That's fine.

Then your answer to the question that the entire legal staff quit—was there a high turnover of legal staff while you were there?

Mr. Raj Anand: Not at all.

Mr. Gilles Bisson: Were there any legal staff—

Mr. Raj Anand: I created the legal staff within the commission. It didn't exist before that.

Mr. Gilles Bisson: I'm asking the question. Were there any legal staff that have quit as a result of your being the head of the commission when you were there?

Mr. Raj Anand: One person did, yes.

Mr. Gilles Bisson: One quit? Were there any more?

Mr. Raj Anand: I wouldn't say it was as a result of me being head of the commission. One person quit.

Mr. Gilles Bisson: Okay, that's fair. So you say only one legal staff person quit in the time that you were the head of the commission.

Mr. Raj Anand: That's correct.

Mr. Gilles Bisson: It says here, "More than 10 experienced investigators and senior staff have also quit." Is that true or false?

Mr. Raj Anand: I'm not sure over what time period that is.

Mr. Gilles Bisson: In the time period that you were there, more than 10 experienced investigators and senior staff had quit the 144-person agency. A lot of those things were unfilled, but that's not the issue, the point being that there were a number of experienced investigators that quit while you were there. Is that true or false?

Mr. Raj Anand: I don't know whether it's true or false. Let me just say, Mr. Bisson, that the turnover rate in any public service agency—

Mr. Gilles Bisson: Oh, I know, yes.

Mr. Raj Anand: —is in the neighbourhood of 15% to 20%—

Mr. Gilles Bisson: I've got limited time, so I'm asking—

The Chair (Mrs. Julia Munro): Excuse me. Just one at a time. Let Mr. Anand finish.

Mr. Gilles Bisson: I have limited time and I have some questions to ask, so I'm asking if they're true or false.

Mr. Raj Anand: Excuse me, Mr. Bisson. Can I just finish my answer, please? No, I'm sorry; I don't answer true or false necessarily if it's a misleading—

Mr. Gilles Bisson: Are you saying I'm misleading you, sir? Because if that's the case, I'm going to give you a hard time this morning.

Mr. Raj Anand: "True" or "false" is a misleading answer; that's what I was going to say. What I was saying is that there is a natural turnover in any organization, and 10 of 144 is a small proportion.

Mr. Gilles Bisson: I hear you, but my question was, was there an exodus of staff in the investigation department at the commission at the time that you were the head of it?

Mr. Raj Anand: Certainly not.

Mr. Gilles Bisson: You're saying no. Thank you.

The other thing is that most of the new people who were hired in senior management positions didn't have direct operational experience; that's the allegation. Is that true or false?

Mr. Raj Anand: That's untrue.

Mr. Gilles Bisson: That's false. Thank you.

The other one is, "The commission, whose primary job is to ensure employment equity in the government and the private sector, does not itself have an employment equity ... program." Was that the case in that commission at the time, that employment equity was not achieved by the time you got there, first, and then it was not made better in the time that you were there?

Mr. Raj Anand: There was an employment equity initiative and plan throughout the government, and the Human Rights Commission was part of that.

Mr. Gilles Bisson: Okay, but the allegation is made that basically there were no steps made by you in order to work towards achieving employment equity. Is that true or false?

Mr. Raj Anand: False.

Mr. Gilles Bisson: Okay. That's what I was asking.

The last question is, and I'll leave the rest up to my colleague M^me^ Gélinas, that one of the allegations was that the staff morale in the time that you were there was quite weak. Is that true or false?

Mr. Raj Anand: I think that's a subjective question which you would have to ask members of staff. I'm not sure that I would be the best person to attest to that.

Mr. Gilles Bisson: Okay. To my colleague.

The Chair (Mrs. Julia Munro): Thank you. Ms. Gélinas.

M^me^ France Gélinas: Merci. Est-ce qu'on peut vous poser des questions en français?

M. Raj Anand: Oui, bien sûr.

M^me^ France Gélinas: Merci. J'aimerais savoir—je ne sais pas exactement comment traduire "Chief Commissioner of Ontario Human Rights Tribunal."

M. Raj Anand: Non, non, je n'étais pas commissaire en chef du tribunal. J'étais commissaire en chef de la Commission ontarienne des droits de la personne.

M^me^ France Gélinas: Combien de temps avez-vous occupé ce poste?

M. Raj Anand: De 1988 à 1989.

M^me^ France Gélinas: Donc, est-ce que c'est à peu près un an, un an et demi? Combien d'ans?

M. Raj Anand: Un an et demi.

M^me^ France Gélinas: À peu près un an et demi. Pour quelle raison est-ce que vous êtes parti?

M. Raj Anand: J'ai parti à cause des accusations que nous avons discutés ici, et après le rapport qui a pris certaines décisions à cause des allégations, comme j'ai mentionné, j'ai pris la décision qu'il serait dans l'intérêt de la commission de recommencer avec un nouveau commissaire en chef. Et c'est exactement ce qui s'est passé.

M^me^ France Gélinas: Okay, so you told us that on May 29, 1989, a report was written/tabled/presented that cleared you completely of all allegations. But although the report cleared you, you decided to resign your position.

Mr. Raj Anand: Quite correct.

M^me^ France Gélinas: You were not fired or laid off?

Mr. Raj Anand: Absolutely not.

M^me^ France Gélinas: You decided by your own will, but—

Mr. Raj Anand: I decided to return to practice.

M^me^ France Gélinas: Okay, but if the report was—

Mr. Raj Anand: And to contribute in other ways, as I did. As I say, I was appointed by the NDP, among others, to do that in subsequent years in the human rights area.

M^me^ France Gélinas: So basically you worked for about 18 months, the allegations came, you said they were investigated in the report tabled on May 29, but you still decided to resign. When did the resignation take place?

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Mr. Raj Anand: June 2.

M^me^ France Gélinas: Of 1989?

Mr. Raj Anand: Yes.

Mr. Gilles Bisson: I still have a bit of time. There's just one other question I forgot to ask you. The other allegation was that the commission did not hire a single visible-minority candidate under your watch. Is that true or false?

Mr. Raj Anand: That's false.

Mr. Gilles Bisson: Back to my collègue.

The Chair (Mrs. Julia Munro): I must ask you to do them all in order as opposed to going back and forth. We normally just go around once.

Mr. Gilles Bisson: I know, but you know me, Madam Speaker. I can't help myself. It's just beyond me.

The Chair (Mrs. Julia Munro): I just want to remind you. Ms. Gélinas?

M^me^ France Gélinas: That's okay.

The Chair (Mrs. Julia Munro): All right. Thank you very much. We move on to the government members.

Mrs. Maria Van Bommel: I just want to say thank you, Mr. Anand, for appearing before the committee. I really appreciate your being here.

Mr. Raj Anand: Thank you.

The Chair (Mrs. Julia Munro): This completes the time that we have allocated. Thank you very much for being here this morning. You can step down.

Mr. Raj Anand: Thank you, Madam Chair.

YUSRA SIDDIQUEE

Review of intended appointment, selected by official opposition party: Yusra Siddiquee, intended appointee as member, Public Accountants Council for the Province of Ontario.

The Chair (Mrs. Julia Munro): I'd like to call upon our second interview, with Yusra Siddiquee, intended appointee as member, Public Accountants Council for the Province of Ontario. Good morning. Welcome to the committee.

Ms. Yusra Siddiquee: Good morning.

The Chair (Mrs. Julia Munro): As you may have heard, you have up to 10 minutes in which to make any remarks you choose to make. After that, we will go around the room in rotation. We'll begin our questions with the third party. Please begin.

Ms. Yusra Siddiquee: Thank you for considering me for an appointment to the Public Accountants Council for the Province of Ontario. I want to introduce myself to you and also explain why I applied for this particular council. I'm a partner at the law firm of Ogilvy Renault. I graduated from the University of British Columbia law school in 1994 and I completed my undergraduate degree at McGill University. J'ai grandi à Montréal et je parle anglais, français et ourdou, ma langue maternelle.

Interjection.

M^me^ Yusra Siddiquee: Merci. Chez Ogilvy Renault je dirige nos départements d'immigration.

Immigration law is a field of administrative law. It's a statute-driven area, and I have comprehensive experience in advising on, interpreting and applying regulations, as well as making recommendations to several Ministers of Immigration as well as Ministers of HRSDC at the federal level on improvements to legislation.

At my previous firm I had the opportunity to represent all the leading accounting firms in Canada, including PricewaterhouseCoopers, KPMG, Deloitte and Touche, and Arthur Andersen as it then was. I became very acquainted with key issues that face the profession, such as labour shortages, professional conflict issues, and the recognition and licensing of foreign-trained professionals. I no longer represent any accounting firms in Canada. Furthermore, as the daughter of an accountant, who practised in Quebec and is now retired, I have always been quite familiar with the accounting profession.

Equally important, which I wish to highlight, is my background and my community involvement. I have participated in several Muslim, immigrant and women's organizations for over 20 years. I was one of the founders

of the Canadian Muslim Lawyers Association over 10 years ago and I continue to be one of its directors. I am dedicated to encouraging my community to become fully engaged members of Canadian society as well as highlighting the unique cultural and religious perspectives of my community to ensure that they are properly ad fairly represented in the Canadian legal system. It is essential that the development, interpretation and application of the law be done by the broadest segment of the society it represents.

And, as a woman, an immigrant, a visible minority and a religious minority, I can truly say I represent several significant segments of Ontario society. With this, combined with my legal training, I believe I would be a valuable addition to the board of the PAC; and, as a Canadian and an Ontarian, I would like to participate in our legal and administrative processes.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the third party. Ms. Gélinas.

M^me^ France Gélinas: Est-ce qu'on peut vous poser des questions en français, mademoiselle?

M^me^ Yusra Siddiquee: Oui, bien sûr.

M^me^ France Gélinas: Oui? Okay. Bienvenue. Merci d'être ici.

J'ai essayé d'écouter et de prendre des notes en même temps et ça ne m'a pas bien servi. Depuis quand est-ce que vous êtes comptable?

M^me^ Yusra Siddiquee: Non, je ne suis pas comptable. Je suis avocate.

M^me^ France Gélinas: Oui, c'est ce que je voulais dire. Je m'excuse. Depuis quand?

M^me^ Yusra Siddiquee: Je suis du barreau—1996.

M^me^ France Gélinas: De 1996?

M^me^ Yusra Siddiquee: Oui, mais j'ai terminé mes études en 1994.

M^me^ France Gélinas: Vous avez toujours pratiqué en Ontario?

M^me^ Yusra Siddiquee: Oui.

M^me^ France Gélinas: Puis votre père est comptable? C'est ça que vous avez dit?

M^me^ Yusra Siddiquee: Il était comptable à Montréal.

M^me^ France Gélinas: Il est à la retraite?

M^me^ Yusra Siddiquee: Oui.

M^me^ France Gélinas: Qu'est-ce qui vous motive à aller sur ce comité? Quel genre de changements est-ce que vous aimeriez voir si vous devenez membre de ce comité?

M^me^ Yusra Siddiquee: Je veux ajouter ma perspective comme immigrante, comme musulmane, comme minorité, comme avocate au conseil du PAC. Parce que maintenant je ne suis pas membre, je ne sais pas tous les sujets qui sont maintenant les plus importants, mais c'est d'ajouter une perspective différente.

M^me^ France Gélinas: Puis vous vous sentez d'attaque pour prendre ce genre de défi?

M^me^ Yusra Siddiquee: Oui, parce que j'avais plein d'expérience en ces sujets et d'ouvrir les yeux sur d'autres sujets aux membres d'un conseil. Je pense que les sujets comme les désignations des comptables d'un autre pays, c'est quelque chose très important pour moi, parce que c'est très important de garder nos niveaux au Canada, mais aussi c'est également important d'ouvrir nos systèmes aux étrangers et aux immigrants. Alors c'est un sujet tellement important pour moi.

M^me^ France Gélinas: Est-ce que vous savez, sur le conseil, combien de personnes siègent, et, des ces personnes, quel pourcentage représente des minorités visibles?

M^me^ Yusra Siddiquee: C'est un grand pourcent, à mon avis, parce que comme avocate d'immigration, la plupart des professions que je vois sont les ingénieurs et les comptables. Ils sont tous des gens avec une formation technique. À mon avis, dans les cabinets de comptables comme PwC et KPMG que j'ai vus, plus de 10 % sont des minorités, et à mon avis c'est peut-être plus proche que de 25 %.

M^me^ France Gélinas: Non, je voulais dire les gens qui siègent au conseil. Vous avez fait application pour siéger au conseil. Les gens qui siègent à ce conseil—est-ce que vous savez si vous allez être la seule représentante des minorités visibles ou s'il y en a d'autres?

M^me^ Yusra Siddiquee: Je sais qu'il y a d'autres membres qui sont des minorités, mais il n'y a aucune femme qui est d'une minorité visible et il n'y a aucune autre musulmane.

M^me^ France Gélinas: Merci.

The Chair (Mrs. Julia Munro): Thank you. Comments?

Mrs. Maria Van Bommel: Again, thank you very much for appearing before the committee. We have no questions.

The Chair (Mrs. Julia Munro): Thank you. Mr. Hillier?

Mr. Randy Hillier: Thank you very much for coming here today. I have a few short questions.

The first one: How did you become aware of this position being available?

Ms. Yusra Siddiquee: That's a good question. Actually, I wasn't very familiar with this process until about last year. Because I was invited to attend various meetings through either my law firm or through community and mosque involvement, I became aware that the Ontario government does actually have a system whereby you can access a website and see which councils have appointment positions available. So I was directed to the website, I went through the website, and this is the council that appealed to me.

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Mr. Randy Hillier: From what I've heard, you don't have any accounting designation yourself or any experience in accounting.

Ms. Yusra Siddiquee: Correct.

Mr. Randy Hillier: But this role is to oversee public accounting in the province.

Ms. Yusra Siddiquee: That's right.

Mr. Randy Hillier: So you don't have any of that direct, practical knowledge on the accounting side.

Ms. Yusra Siddiquee: Right.

Mr. Randy Hillier: It begs the question—public accounting is self-governed, and now we have another level of regulation regulating the regulators. But in this case, without a whole lot of experience or practical knowledge of the profession in your case—

Ms. Yusra Siddiquee: I have knowledge of the profession; I'm just not part of the profession. And as an outsider, I think my eyes are wider open to considering the legislative and regulatory issues that would impact the regulation of this body because, as an administrative lawyer, that's what I do. I apply regulations, I design standards and I ensure compliance policies are in fact meeting minimum thresholds. I think that serves across the board of various industries.

Mr. Randy Hillier: Are you aware of the per diems for this position?

Ms. Yusra Siddiquee: Not until recently, only when I received the literature from the public appointments council. I was very surprised to see what the per diem was, because I wasn't doing this for the money.

Mr. Randy Hillier: Right. I was quite surprised as well. Do you have any intuition as to how many meetings you will be attending or taking part in?

Ms. Yusra Siddiquee: I would imagine once a month, but nobody's advised me on it.

Mr. Randy Hillier: Because it is $700 per meeting as the per diem, plus $700 in preparation time and also $100, I believe, for travel.

Ms. Yusra Siddiquee: I wasn't even aware of the preparation time.

Mr. Randy Hillier: Are you a member of any political party?

Ms. Yusra Siddiquee: No.

Mr. Randy Hillier: Have you ever been a member of a political party?

Ms. Yusra Siddiquee: Never.

Mr. Randy Hillier: Have you ever contributed to a political party or a campaign?

Ms. Yusra Siddiquee: Yes. When I was at McGill, I had to support Gerry Weiner's re-election campaign. I did door-to-door campaigning for that, against my will, because my family made me. Then I had friends who ran for the NDP: Guy Hunter federally, and more recently El-Farouk Khaki. Also, I have contributed to the leadership campaigns of Stéphane Dion and Gerard Kennedy, and Omar Alghabra, all federally.

Mr. Randy Hillier: Those are all my questions. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. This completes this round. We really appreciate you coming here today.

Ms. Yusra Siddiquee: Thank you very much.

KAREN LOWE

Review of intended appointment, selected by official opposition party: Karen Lowe, intended appointee as member, Kincardine Police Services Board.

The Chair (Mrs. Julia Munro): Our third interview this morning is with Karen Lowe, the intended appointee as member, Kincardine Police Services Board. Good morning. Please come forward.

Ms. Lowe, as you might know, you have time in which to make a statement, if you wish. Then we'll go in rotation with questions from members of the committee. You may begin.

Ms. Karen Lowe: Thank you, Madam Chair and members of the committee. It's certainly my privilege to be considered for a position on the Kincardine Police Services Board. I'd like to begin my statement by highlighting some of my volunteer and work experiences which help make me a qualified candidate for this appointment.

First and foremost, I'm a very engaged member of my community. I am an involved citizen who cares very much about the well-being of the community and of the citizens of the community. I have spent many years working with both victims of crime and those who are particularly vulnerable in our society. I have lived in the municipality of Kincardine for 25 years and I'm the mother of two daughters, one in university and the other finishing high school.

I have been very active in leadership volunteer roles within my church, within our local hospital, within the Canadian Cancer Society and other charities as a fundraiser and, most recently, within our community as both a member and chairperson of our World Peace Day committee. This committee strives to emphasize the value of peace and respect, not only in our world but also in our communities, through education and understanding around the issues of diversity and inclusiveness. The committee engages both the community and, as well, a large number of public and high school students on these issues.

As well, I have recently finished my term as a member of the economic development committee for the municipality of Kincardine, a committee of council whose aim is to improve and promote tourism and development in the municipality.

I've also volunteered for the past seven years as a board member on the Kincardine and District Chamber of Commerce. I have served both as secretary and, most recently, completed my term as president of the board. This role has enabled me to have a clear understanding of the roles and responsibilities of boards of directors and their accountability to the people and/or members they represent. My seven years on the board of the chamber of commerce has also allowed me to interact with and get to know numerous and various community citizens and gain an understanding of their concerns.

I was employed for nine years within the local women's shelter. As manager there, I reported directly to the board of directors on a regular basis. As such, I have gained an even higher understanding of boards and their roles as I have experienced both sides of boards: sitting on a board and reporting to a board. I was responsible for organizing and participating in training sessions for our

board of directors and other boards with an area consultant and expert Nathan Garber. This training revolved around the issues of governance, strategic planning and evaluation processes.

During my nine years at the women's shelter, I had a number of experiences that helped my understanding of interactions with police and community citizens. Clients of the shelter interacted on a regular basis with police officers, often with the assistance of staff. The women's shelter, of course, is a place that houses and advocates for women who are victims of domestic violence and abuse.

On a number of occasions, it was my privilege to be a trainer to local police in workshops on the issues surrounding women and domestic violence. As an expert in that field, I was able to increase the understanding of those in attendance on the potentially dangerous situations and complex issues surrounding domestic violence. I was also a trainer to workers and volunteers within the victim services field and to numerous and various audiences of community people in and around Grey and Bruce counties.

My work in the area of domestic violence was recognized in 2006 when I became a nominee for the Women of Distinction Award from the Grey-Bruce International Women's Day committee.

I've also taken training in the field of anti-racism and anti-oppression from the Ontario Association of Interval and Transition Houses which I feel has not only been a benefit to me professionally and personally but which can also be a benefit to the board.

With the growth of industry within our area primarily within the nuclear industry, Bruce Power and Ontario Power Generation, our community is changing and becoming more and more diverse. More people from other countries and cultures are moving into the area and I believe it is vital to have a broad understanding of diversity, inclusiveness and the dangers of oppression.

I also sat on the social justice committee of the Ontario Association of Interval and Transition Houses for two years which again increased my understanding of the importance of inclusiveness, within both our workplaces and our communities.

Within my training and managerial role at the women's shelter, I have worked extensively with youth, particularly those within the high schools and those at risk. Issues of conflict resolution, bullying and ending violence of all kinds were topics that I discussed at length with teens. Doing this work has helped me to understand some of the challenges that youth in our communities face and how difficult their lives often are.

As a manager, I've taken training in strategic planning, conflict resolution, leadership through team-building, interest-based contract negotiations—the women's shelter was unionized—as well as essentials of staff supervision processes, human resources in action and performance management training. My work as shelter manager encompassed the need to develop and implement operational policies and procedures, as well as the responsibility to recruit, interview, hire and train new employees at all levels.

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In conclusion, I believe I have the transferable skills and applicable knowledge from my volunteerism and work within the community, and from my extensive work with victims of violence within the women's shelter, that could benefit the police services board.

I look forward to an opportunity to serve my community in that way.

The Chair (Mrs. Julia Munro): Thank you very much. We'll go to Ms. Van Bommel.

Mrs. Maria Van Bommel: Thank you for appearing before the committee.

The Kincardine area being very rural, could you tell us a little bit about some of the unique issues that occur in rural communities—I see you have a background in domestic violence—especially as it would relate to your work on the police services board?

Ms. Karen Lowe: Well, speaking directly with regard to the municipality of Kincardine, it's not only a rural area but also a tourist area; there are a lot of cottages and people coming to the area for tourism reasons. Therefore, there are a lot of cottages that are left vacant during the winter months and lots of people breaking into these cottages. I know there are a lot of property crimes there.

I also know, from my work with youth, that there are a lot of drug crimes associated with the area. It's not just because it's a rural area, but I know that domestic violence incidence is increasing in the area.

It's a small area—an area of about 12,000 people—but it's also a bit of a unique area because of the nuclear power plant being there. In the past, it's been a kind of very white, mainstream area, but what we've all noticed is that more and more people from different cultures and countries are coming because of the nuclear power plant and the expertise they require there. So the demographics are changing slowly in the area. It is a small area, but it's kind of a unique area in that way, because of our dependence on that large nuclear power plant.

Mrs. Maria Van Bommel: Thank you.

The Chair (Mrs. Julia Munro): We'll move on. Ms. MacLeod?

Ms. Lisa MacLeod: Thank you, Ms. Lowe, for attending here today. Could you tell us how you heard about this appointment?

Ms. Karen Lowe: I heard about the appointment from a community member who told me that another person had resigned from the board. She suggested that I should consider applying for this position. I was not very familiar with this process, but I did go online and filled out the application and went through the process that way.

Ms. Lisa MacLeod: Was the community member one of your references?

Ms. Karen Lowe: No.

Ms. Lisa MacLeod: So it wasn't Carol Mitchell, a reference of yours who is also the MPP for the area?

Ms. Karen Lowe: No.

Ms. Lisa MacLeod: What is your knowledge of policing issues? I noticed at the last presentation that we were given a presentation by somebody who is going to be appointed to the public accounting group, who basically said that she had skills in that because her father was an accountant. I guess if we use that logic, then I'm going to say I was the daughter of a police commissioner and I know, from speaking with a lot of the police chiefs and policemen in my community, growing up and having those discussions around our supper table, that you have to have quite a knowledge, not only of crime and how you combat that, but also in terms of budgeting and being visionary in terms of the needs of the community.

Your background doesn't necessarily suggest that you have those types of skills or the type of experience that would provide you with the knowledge of policing issues. Could you elaborate on that?

Ms. Karen Lowe: I guess, through the years of working at the women's shelter and with victims of violence, and through this process I have participated in now, I have come to have a better understanding of police services.

I know that because our area is small—under 25,000 people—the board will consist of three people, and their role will be around governance, particularly around issues of the selection of the commander, and determining, with the commander's advice, priorities that the police services should take. I believe that some of those priorities right now revolve around issues of domestic violence, property crimes, drug and alcohol control, and traffic control—drinking and driving, and speeding. I believe those are the areas of concern right now.

I also know that the board needs to concern itself with reviewing the complaints process and monitoring any conflicts of interest which might occur, as well as monitoring the performance of the commander. I know that the municipality is mandated to provide effective and adequate police services, which consist of things like prevention of crime, law enforcement, maintaining order in the community, serving the needs of victims of violence as well as emergency response.

I've interacted with police on many occasions on behalf of clients of the women's shelter and attended court with those clients on many occasions, and I think I have a general understanding of what the mandate of the police service is. I would certainly need to get up to speed a little bit further. I understand there is some training, but I feel I have a good, broad understanding.

Ms. Lisa MacLeod: What would you say is the most serious issue associated with policing and enforcement facing your community?

Ms. Karen Lowe: I think the four areas that I identified previously are all equally serious. I guess what I'm most familiar with is domestic violence, because we all know that it's a very complex issue; it can lead to serious injury and often death of women who are victims. I also believe that the drug problem and the grow ops and drug labs that exist in our area are very serious, probably as a result of organized crime.

Ms. Lisa MacLeod: So you suggest that there's organized crime in Huron–Bruce?

Ms. Karen Lowe: I believe that the drug labs and the grow ops are probably a result of that.

Ms. Lisa MacLeod: Do you have a needle exchange program?

Ms. Karen Lowe: I'm not aware of one, but it doesn't mean there isn't one. I just don't know.

I also believe that drinking and driving is a serious issue, as are property crimes. I believe they're all equally serious in their own way.

Ms. Lisa MacLeod: Just to wrap up, do you have any political affiliations?

Ms. Karen Lowe: I am a member of the Ontario Liberal Party.

Ms. Lisa MacLeod: Have you ever been a financial contributor to the Liberal Party of Ontario?

Ms. Karen Lowe: Yes, I have.

Ms. Lisa MacLeod: Would you elaborate? Do you know how much, roughly, you've donated in the past?

Ms. Karen Lowe: It would be roughly $100 a year.

Ms. Lisa MacLeod: Which is consistent with our research, which is a little bit higher.

Ms. Karen Lowe: Well, $120 maybe. I think it's $10 a month or something.

Ms. Lisa MacLeod: Okay, thank you very much.

The Chair (Mrs. Julia Munro): Thank you. We'll move on to M^me^ Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park, Ms. Lowe. I was very interested in your background. I'm sure nine years as the manager of a women's shelter has prepared you to face anything and everything that could come your way—not an easy job. Thank you for taking it on.

I see that there are municipalities within the area you will be covering that are looking at installing video camera surveillance. They think it will deter youth from attacking women in downtown Kincardine. Do you have any concerns with the use of those cameras?

Ms. Karen Lowe: I don't have any concerns with the use of those cameras as long as they're complying with the privacy act. I really feel that if it's a deterrent and it has been determined that that's the best way to deter those crimes, then that would be okay; I'd go ahead with that.

M^me^ France Gélinas: In your own experience, are cameras a good way to prevent violence against women?

Ms. Karen Lowe: No, I don't think it's a good way to prevent it. I think education, particularly with our youth, is the best way to prevent it, and awareness in our communities. I think it could perhaps help identify perpetrators of crime. It might be a deterrent in that people who know about it might be less inclined to commit those crimes in those areas.

M^me^ France Gélinas: I know that you've talked about the four priorities. If you were to select one, what is it you hope to do in taking on this volunteer position?

Ms. Karen Lowe: What is it that I hope to do within one of those particular areas?

M^me^ France Gélinas: No, in any area at all. You're going to be one of three persons, and what are your motivators? This is a volunteer position. It will require time, effort and energy. What are your motivators? What do you hope to do?

Ms. Karen Lowe: I think that throughout my career I've been very involved with victims of violence and those people in our communities who are particularly vulnerable. Within my work in that area, I have always had very positive interactions with the police, in that the police in our area have always been very helpful. I just thought that as a person who's interested in helping vulnerable people in our society and victims, this would be another way I could contribute to my community with that in mind.

I also believe I have a good understanding of boards and their roles and responsibilities. As well, I think I would bring another element to the board in that I have a good understanding of anti-racism, anti-oppression, diversity and inclusiveness in those areas.

M^me^ France Gélinas: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questioning. We appreciate you coming here today.

Committee members, I'm going to call a five-minute recess.

The committee recessed from 1031 to 1042.

BARBARA LYNN GRAHAM

Review of intended appointment, selected by official opposition party and third party: Barbara Lynn Graham, intended appointee as member and chair, Champlain Community Care Access Centre.

The Chair (Mrs. Julia Munro): I'd like to bring us back together and begin with our fourth interview today, Barbara Lynn Graham, the intended appointee as member and chair, Champlain Community Care Access Centre.

Good morning and welcome. As I'm sure you know from the previous instructions I've given, you have up to 10 minutes in which to give a statement, if you so wish. Then we'll continue with questioning from the members. So please proceed.

Ms. Barbara Lynn Graham: Thank you. I apologize. I woke up with a cold this morning, so I've got my Kleenex and my water with me.

Good morning to the Chair and members of the standing committee on government priorities. Thank you to the Public Appointments Secretariat for helping me today with the preparations and also to all of you members for providing me with the opportunity to elaborate on the information you have before you.

I'll use this time to address four topics: my political affiliations, the background leading to this position, my qualifications and my interest in the position.

First, I've had a lifelong interest in politics at all levels. In the past, I've supported different political parties and candidates and have donated funds to the Liberals, the Conservatives and the New Democrats. Since retiring from the Ottawa-Carleton District School Board in December 2006, I have joined the Liberal Party, both federally and provincially. In the recent provincial election, I supported Jim Watson in Ottawa West–Nepean and Yasir Naqvi in Ottawa Centre.

Secondly, the process leading to this nomination began in January 2007 when I submitted three applications online to the Public Appointments Secretariat. A year later, in January 2008, I was contacted by the minister's office and the ministry to inform me that I was being considered for the position of chair of the Champlain CCAC. While I had not applied specifically for a position on the Champlain CCAC, I had applied for membership on the board of the Champlain LHIN, and I recognized many commonalities between the two organizations.

I requested a copy of the job description for the position of chair of the Champlain CCAC, and I read what was available on CCACs, and the Champlain CCAC in particular. A few days later, I accepted the offer to have my name stand.

Thirdly, I believe I am qualified for this position. I am familiar with the role of CCACs in the provision of professional services to school boards. I have life experiences that have made me aware of care for the elderly. My father, who died in 2006, received home support and professional services coordinated by the CCAC in London. My uncle, who passed away in 2001, received acute care treatment in the Ottawa Hospital and then remained there after treatment ended until a bed could be found for him in palliative care at the Élisabeth Bruyère Health Centre. He enjoyed day programs at the Hospice at May Court. Also, on my husband's side of the family, our aunt spent the final years of her life in a long-term-care home, Lanark Lodge, in Perth, Ontario.

Through the Internet and the media, I have knowledge of CCACs and the challenges they face. I look forward to learning a great deal more about the work of the Champlain CCAC in managing the placement of persons into long-term-care homes and in providing a range of health and social services for those receiving care at home and in the community.

I've just got to take a drink of water. My mouth is completely dry.

My credentials include a master of social work degree, with a course concentration in community organization-community development. This degree has served me well over the decades and would be put to good use in the service and resource coordination work of the Champlain CCAC.

My first government job, with National Health and Welfare's New Horizons program, helped me understand the recreational needs of the elderly across the country. Having lived in the Ottawa area for almost 40 years, and with my school board experience, I am familiar with the urban, suburban and rural sectors of Ottawa and, to a more limited extent, those of Renfrew, Lanark, Leeds, Grenville and the eastern counties.

Undoubtedly, my most important qualification is the fact that I have chaired a large board in the Ottawa area, the Ottawa-Carleton District School Board. In my final term as chair, during the first part of the 2006-07 school year, the board had 70,000 students, 150 school sites and a budget of $612 million. I understand issues around transition, having been a trustee throughout the time the Ottawa Board of Education and the Carleton Board of Education amalgamated to become the Ottawa-Carleton District School Board.

I know how to communicate effectively with a board, senior management, a provincial government ministry and local partners. I have had extensive experience in setting agendas, conducting meetings and building consensus. I have been directly involved in strategic planning, budget reviews and approvals, policy development, labour relations, community liaison and media relations.

My contribution to public education was recognized provincially in 2006. At the annual general meeting of the Ontario Public School Boards' Association, I was presented with the Dr. Harry Paikin Award of Merit for outstanding service as a public school trustee. I was gratified by the support I received for this award from my community and from my colleagues. It marked the first time an Ottawa area trustee had received the award.

Enfin, je parle français, pas couramment, mais je suis en train d'améliorer ma capacité. Depuis janvier 2007, je prends trois cours en conversation française à la Cité collégiale à Ottawa. I will bring this knowledge and these skills to the Champlain CCAC.

Fourthly and finally, I have a genuine interest in this position, particularly in providing care for the elderly. As the baby-boomer generation retires and gradually moves into this demographic, the challenges evident today will become even more pronounced in the future. How are we going to provide a range of services so the elderly can remain in their own homes as long as possible? How are we going to free up acute care hospital beds now being occupied by the elderly whose medical needs have been addressed, but are awaiting places in palliative care facilities? How are we going to ensure that there are adequate beds in long-term-care homes and that these long-term-care homes meet the physical, social and emotional needs of the elderly? How are we going to be able to afford to provide quality care for the elderly, whose numbers will be exploding in the coming decades? I truly welcome the opportunity to become actively involved in one of the organizations addressing these and many other issues.

I'd be happy to respond to your questions. Thank you.

1050

The Chair (Mrs. Julia Munro): Thank you very much. We will begin questioning, then, with the official opposition.

Ms. Lisa MacLeod: Simply, Lynn, I won't be pursuing the questioning for the official opposition. I just want to comment about the great working relationship we had while you were still chair of the Ottawa-Carleton District School Board. When you're on this board, I expect that we'll have the same good working relationship. I just want to thank you for your hours of service to our community and wish you well.

Ms. Barbara Lynn Graham: Thank you very much, and I just want to say—I was going to say "Lisa"—as the member says, I truly enjoy the outreach into the community. If I am appointed, if I receive invitations, I'll be the first one to accept them, because while I enjoy the chairing of the board role and the other roles, I truly enjoy being in the community and with the people toward whom this program will be directed.

Ms. Lisa MacLeod: Good luck.

Mr. Randy Hillier: Thank you very much for being here today. I have just a few questions. I see you have a significant background in education, but limited experience within the health care field, except that you did work for health and welfare, the federal—

Ms. Barbara Lynn Graham: I did.

Mr. Randy Hillier: And how long did you work for them?

Ms. Barbara Lynn Graham: A short time. It was right at the beginning of my government career; it was a year or two. It was a brand new program called New Horizons. I was the very first person hired for it. It was my first government job. I became the executive assistant to the director, so I had a real overview there. It might have been longer than a year; I don't think so, though.

Mr. Randy Hillier: You mentioned that of course you have been involved and active politically. In the last provincial election, you supported Municipal Affairs Minister Jim Watson. How much have you been contributing, approximately?

Ms. Barbara Lynn Graham: As I said in my introduction, I have contributed in quite recent years to both the New Democrats and the Conservatives. But in terms of the recent provincial election—I didn't look it up in my chequebook—I believe I gave Yasir Naqvi's campaign $100, and Jim Watson would be more because I have supported events of Jim's over the last few years. I don't have the exact number; I'm sorry.

Jim and I go back quite a long way. Back in the mid-1990s, when I first became a school board trustee, I represented Capital ward on the Ottawa school board, Jim represented Capital ward on city council, Brian McGarry, if any of you know Brian, represented Capital ward on regional council, and the three of us became really tight colleagues and had a lot of joint celebrations and community events. I've contributed to both Jim and Brian over the years in terms of their political work.

Mr. Randy Hillier: One of the things that I've noticed in dealing with the community care access centres, and the same one that you're applying for—of course, portions of my riding are covered—

Ms. Barbara Lynn Graham: A tiny portion. It's just a part of Lanark. I figured it out on the map, and it's a thin stretch of Lanark.

Mr. Randy Hillier: Yes. Recently, I had a case where there was a family member with intellectual disabilities who needed home support. The access centre had funding for that individual. However, they had no mechanism to

get the funding to the people who could actually deliver the home support. It's caught up in some red tape and regulatory fashion. To me, that's a significant obstacle for these people: applying for funding, looking for funding, looking for assistance, and then finding that the access centre hasn't done its homework and hasn't got the proper mechanisms, the paperwork, in place so that they can actually help them. How do you see solving some of those problems?

Ms. Barbara Lynn Graham: As you are aware, I don't have specific knowledge as to that situation. But when I looked on the maps and figured out which parts of your political riding were part of Champlain, it was a very narrow strip, and I would hope that there would be good coordination between the central and satellite suboffices of Champlain CCAC and those offices that are in the South East CCAC, in Perth and Smiths Falls and places like that. I don't know if that would help. I would hope that there's good coordination for those constituents of yours who, geographically, are in a difficult part of the Champlain district, I would think.

Mr. Randy Hillier: There are some difficulties there. I don't know who was drawing the lines, but—

Ms. Barbara Lynn Graham: I see that Carleton Place and Kemptville are in Champlain, but then Smiths Falls and Perth are outside. So, all I can say is that would certainly be one of the challenges that absolutely has to be overcome.

Mr. Randy Hillier: Of course, another big component is long-term care. Everybody's talking about long-term care and the shortage of beds. It's not just a case of managing who gets in and where they get in, although that is a significant component, but when you have such a significant shortage, it's a difficult job.

I'm wondering, with your involvement with ministers and different political people, are you going to have the confidence and feel the freedom to speak critically of government policies as they relate to the shortage of long-term-care beds in our area?

Ms. Barbara Lynn Graham: I will do everything I can to advocate for the needs of the Champlain CCAC. Of course, I'll be the spokesperson for the board, so I will take direction from my board, but I certainly would see my role as being that of an advocate, when my board agrees to that. I know a number of people connected with the LHIN. I know Dr. Cushman and others, and I see myself speaking out if and when necessary; absolutely.

Mr. Randy Hillier: You mentioned earlier that you had applied for membership on the LHIN. You gave a brief explanation about not being on the LHIN board in the new-found community care board. Were you approached by anybody to apply for this?

Ms. Barbara Lynn Graham: No. Before I left the school board, I believe it was Minister Watson who mentioned to me and probably others that there was this website. So, a year ago, in January, I looked at the upcoming appointments on the public appointment service's website, and the Champlain LHIN was one of the openings. I also applied for two other openings there. I don't remember, but I would think that possibly at that time the Champlain CCAC didn't have an opening. I obviously can't remember. I didn't apply for the Champlain CCAC. Really, in my mind, I was hoping to be appointed to the Champlain LHIN, but when I saw how connected the two were, I thought this was a tremendous opportunity for me.

I'm very comfortable chairing, because I've done it so much, with not only the school board, but other boards. With the integration of health services, if I'm appointed, I think the role I'll have at the CCAC will be as stimulating as any role could possibly be for me.

Mr. Randy Hillier: The CCAC is a very critical and important agency, and it's what people actually see, in many cases—and the frustrations, as well, with health care.

Thank you very much for being here today. It's been a pleasure.

The Chair (Mrs. Julia Munro): We'll move on to Ms. Gélinas.

M^me^ France Gélinas: Bonjour madame Graham.

Ms. Barbara Lynn Graham: Bonjour.

1100

M^me^ France Gélinas: Est-ce qu'on essaie une question en français?

Ms. Barbara Lynn Graham: Oui, j'essaie de répondre en français. Bien sûr, demandez en français.

M^me^ France Gélinas: On en essaie une. Selon vous, quelle est la priorité la plus importante du Centre d'accès aux soins communautaires de Champlain?

Ms. Barbara Lynn Graham: En français.

M^me^ France Gélinas: You can switch if you—

Ms. Barbara Lynn Graham: The most important priority of the Champlain CCAC—I would answer that in a very broad way. I think the most important priority, with what I have observed as the priorities of CCACs, the ministry and the LHIN, is that they are all certainly moving in the same direction with priorities in terms of primary care services and prevention services. I understand that there's a critical problem with long-term-care facilities and the beds in long-term-care homes, and that of course has to be addressed. But I think the big priority has to be the ongoing focus on primary care and prevention, and initiatives such as CHCs—community health centres—and the aging-at-home strategy.

I'm excited to see that, because there's quite a partnership going on in Ottawa with aging at home and the development of the CHCs. I think that probably has to be the primary focus, while not forgetting, of course, the drastic situation in the hospitals with emergency wards and acute care beds being occupied by individuals who really should be either in long-term-care homes or other community facilities. They would probably be much happier if they weren't in acute care beds, as well.

M^me^ France Gélinas: Receiving the appropriate care that they need, because their needs are not being well served when they're in an acute care bed and what they need is something else.

Ms. Barbara Lynn Graham: Exactly. As I mentioned in my introduction, my uncle was in the Ottawa hospital much longer than his medical needs required. There was no recreation program; there was nothing for him. Once he went to the Elizabeth Bruyère Health Centre and went to day programs at the hospice at May Court, he had his emotional and social needs taken care of. That's so important. I think that people who are in acute care beds and don't need them is a serious situation for the hospitals of the province, but it's a very serious situation for those individuals and their families as well.

M^me^ France Gélinas: You understand that we call community care access centres CCACs for short.

Ms. Barbara Lynn Graham: I know they're called CCACs.

M^me^ France Gélinas: Okay. So you understand that CCACs look after placement in long-term-care homes, like you've just described, and home care.

Ms. Barbara Lynn Graham: Yes.

M^me^ France Gélinas: If you read the papers a little bit, you will know that Minister Smitherman, our Minister of Health, has halted the competitive bidding process in the home care sector. This is a process that is managed by the CCAC, and basically, through that process, they allot home care contracts to different providers. I would be interested in knowing, what is your knowledge of competitive bidding, and what are your values toward competitive bidding in a health care setting?

Ms. Barbara Lynn Graham: What I know is really what I've read. I have also looked at some of the minutes of the Champlain CCAC board, but I'd be speaking in generalities on this bit. I think what has to be the central focus is the quality of care of the client, combined with cost. I see that there are very important principles that are part of the competitive bidding process now: client-centred, stability for the health care worker and continuity of care for the client. I guess I'm questioning those principles. Maybe the interplay with those principles is not adequate at this time.

I read what I could about the situation in Hamilton, and it may be that the bidding process is weighted in favour of for-profit instead of not-for-profit. I don't think that's right at all; there has to be a level playing field. But apart from that, I really don't have any further details.

M^me^ France Gélinas: As an individual, what are your values toward having for-profit delivery of home care services? In your CCAC, the Champlain Community Care Access Centre, most of the providers of home care services have switched from being not-for-profit. Most of the contracts have been awarded to for-profit companies. Those are companies that provide the service and take money out for profit; this is what it means. As a core value, do you support a for-profit health care system in home care?

Ms. Barbara Lynn Graham: I support the best quality delivery of care to clients. Repeating the principles I have already mentioned, I think stability for the health care workers is crucial, as are continuity and quality of care. I certainly am a firm believer in the principle of universality and quality and access for all Canadians, but as long as the playing field is level between for-profit and not-for-profit, I would not eliminate for-profit.

M^me^ France Gélinas: Would you expand those values to having for-profit hospitals, as long as the playing field is equal? Could we have not-for-profit hospitals like we have now and for-profit hospitals? Could we have for-profit in any other part of the health care system, as long as the playing field is the same, and kind of kiss medicare goodbye?

Ms. Barbara Lynn Graham: Well, no. As I said, I'm such a firm believer, as I was in public education, in level playing fields and universal access for everyone. But I've tried to do some reading of reports, such as the Kirby report and others, and I understand this is a very big issue. I believe it's the minister and the ministry that are going to be making that decision, and if I'm appointed to this position, I'm certainly prepared to accept whatever policy comes down from the ministry on this.

M^me^ France Gélinas: You may have a rude awakening once you get the chair of the board, because the CCACs have within their power the ability to make decisions to award to not-for-profit and basically to decide not to encourage privatization of our health care system. Those won't be given to you by the minister; those will be decisions you will have to make, and they're usually based on values. What are your values in the health care system? Do you believe in a publicly governed health care system, or do you believe in a for-profit health care system? What you seem to be telling us this morning is that as long as the process is equal between for-profit and not-for-profit, you would support for-profit.

Ms. Barbara Lynn Graham: Well, no. As long as the process is equal—and my understanding is that it's the ministry that is reviewing the situation, developing criteria and examining the principles that are there at the moment. I will have to wait and see what comes from the ministry, but I'm not supporting one over the other; I'm asking for a level playing field when it comes to awarding contracts. My understanding is that the CCAC will have criteria from the ministry that will guide them when it is awarding contracts. I may be wrong on that, but that was my understanding.

The Chair (Mrs. Julia Munro): Thank you very much. We've expired the time.

Mrs. Sandals, a comment?

Mrs. Liz Sandals: I just wanted to say welcome to Lynn. Lynn and I have a long connection in another field, back to the school board, because we both came out of the school trustee business. I just want to say that when I saw your name come forward, I was absolutely delighted because I know the work that Lynn did as a school trustee. You dealt with a very difficult situation with the Ottawa school board and Ottawa-Carleton amalgamation—a lot of experience with managing budgets and making difficult policy decisions. I think that as you move on to chairing the CCAC, your experience with the

school board and working through all those issues will stand you in excellent stead. I'm sure you'll do a wonderful job. Thank you for allowing your name to come forward.

Ms. Barbara Lynn Graham: Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much for coming here this morning. That concludes our time.

1110

MINA GROSSMAN-IANNI

Review of intended appointment, selected by official opposition party and third party: Mina Grossman-Ianni, intended appointee as member and chair, Erie St. Clair Local Health Integration Network.

The Chair (Mrs. Julia Munro): We're looking now at our final interview this morning, Mina Grossman-Ianni. Welcome to the committee. As I'm sure you know from the previous people interviewed, you have up to 10 minutes to make a few remarks, and then we will go to questioning from the members. You may begin.

M^me^ Mina Grossman-Ianni: Bonjour. Vous avez tous vu mon CV et vous aurez vu que j'ai travaillé en français et que j'ai été dans la carrière de la radiodiffusion, de l'enseignement et des arts.

I started in French, but I notice that our French person is no longer here.

You'll see from my CV that my professional career has been divided between teaching, broadcasting and arts management, and I loved each of these elements of my career.

In broadcasting, which was the major part of my career, I loved being a reporter, a producer and, finally, a manager. Until I became a producer, I worked in both English and French in radio and television. When I became a staff producer, I became a French-language producer with Radio-Canada. I never regretted my decision because I got to know the Franco-Ontarian community of southwestern Ontario and became very involved with French culture in general. At the end, I was the manager for Windsor and Toronto.

Unfortunately, I had to leave that very interesting career as my husband was very ill. He died in 1997. I don't know if many of you knew him. He was Ron Ianni. He was the president of the University of Windsor. He died in 1997, then my father died in 1998, and then my mother died in 2000, so I had a very, very busy time.

I was off work for about a year, and then I started a new career as general manager of the Windsor Symphony Orchestra, which was in dire straits and on the brink of bankruptcy. What it needed was a little bit of management. I brought my transferable skills from the CBC—I learned a lot from the CBC—to the Windsor Symphony Orchestra, and it's been turned around. You might have heard of us. We're just waiting to see if we're going to win a Juno on Saturday night.

More recently, since 2001, I'm a part-time development director of the fundraiser of the Windsor Symphony Orchestra.

Also during the time of my career, I served on many national committees of the CBC. I was also on boards—I'll just mention the highlights; I do assume you have my CV in front of you. The Ontario Arts Council board was a very interesting one. The last time I was before this committee, I was still a member of the National Gallery board, but I'm not now—the Green Shield Canada board, which is prepaid medical services. I was the first lay member of the College of Family Physicians of Canada. I got my first taste of the medical field from these two last boards, and I found them of great interest. Then, I was named chair of the Erie St. Clair LHIN.

I had an accident in July 2006, and there wasn't really a mechanism to take a leave of absence, so I resigned from that, and here I am, back again.

So, I had my personal contact with the medical field during my husband's illness, and with my father and my mother, and my own personal contact during the time of my accident, and I think that it's a very, very interesting and a very important area to know about.

I've had a great many honours.

I think I'll stop now. You all have a copy, so I'll stop now. That's fine.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Mr. Miller.

Mr. Paul Miller: Thanks, Madam Chair. I'm just filling in. The other member will be returning in 10 minutes. I guess we're first up, so I'll have to fill in with some questions.

It appears to me you have a very extensive background in many different disciplines, which is very admirable. I see there is a lot of dealings with the government. You've had some different positions throughout the Trillium Fund and the Media Development Corp., so you've had much exposure to probably the last two governments.

The first question I'd like to run by you in this job you're applying for: How do you feel about for-profit and non-profit care?

Ms. Mina Grossman-Ianni: We have a health care system which has three major components: universality, access and—I forget what the third one is. I believe in a public health care system, but I think that there are certain areas that have to be open for bidding. I think the main thrust of the health care system and of the LHIN is that they're patient-centred. I think that sometimes the patient can be best served by a private company, and sometimes by a public company. But in general, I believe in public health care.

Mr. Paul Miller: I'm glad to hear that. As you know, there was a controversy in the Hamilton area which I was in the middle of. It was about the caregivers of the VON and St. Joseph's, and the people in the area wanted the VON to remain, because they'd been serving for 80 to 90 years; this is happening all over the province. The people had a big rally, and Mr. Smitherman reversed the deci-

sion in the Hamilton area, but we don't have that provincially at this point. So we're very concerned about for-profit and non-profit. I must say—

Ms. Mina Grossman-Ianni: But the VON—is that a not-for-profit or a for-profit?

Mr. Paul Miller: It's a non-profit, the VON.

We're very pleased to hear that your position is that you are basically for public—at least we are, anyways. So I'll pass it on to the next questioner. Thank you.

M^me^ France Gélinas: Welcome to Queen's Park. My questions are along the same lines. As chair of the local health integration network, you will face some tough fiscal challenges; that is, the health care needs are that big, and the money to provide them is that big.

Ms. Mina Grossman-Ianni: And getting bigger.

M^me^ France Gélinas: And getting bigger—that big, then; like a fishing story.

I would be interested to know your views about health promotion and disease prevention in the mix.

Ms. Mina Grossman-Ianni: I think those are very, very important areas, both of them. I think that we're trying to very much work that way. I see that everywhere, disease prevention and prevention in general. So I really agree with that.

M^me^ France Gélinas: You will be confronted with very strong, well-organized—I would even add, slick—lobbying from the big players in health care. Those are the hospitals, the CCACs. Those are the people who have the money, and those are the people who need more money; they provide care.

At the same time, you will be responsible for some tiny, weeny little agencies which provide community-based services that don't have the means to organize advocacy campaigns to provide for, as I said, slick, convincing arguments to you. Some advocates are asking LHINs to consider a one-way valve; that is, the money that is presently being allocated in the community cannot be flowed to the hospitals, no matter how hard the hospitals are strapped for cash, and if the envelope of the LHIN is to grow, then it should grow equally to the community side, then to the hospitals.

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We know that our hospitals are strapped for cash: The recent report is that half of them won't be able to balance the books this year and up to two thirds of them won't be able to balance the books next year. Those are hospitals that are in the catchment area of the LHIN that you'll be serving on.

Can you talk to me a little bit about your views on community-based care versus acute care hospital care and how you intend to deal with this?

Ms. Mina Grossman-Ianni: I think that's a very serious issue. I think we were very aware of it at the beginning, when we were first at the LHIN; we were very aware of the hospitals, the community care access centre and the very small—we have approximately 145 organizations that are under the LHIN. I'm a very strong community person; I think that's one of the reasons I'm here in front of you. So I think we just have to be very aware of it. I'll have to get back into it again. I just don't see us letting go of the small organizations.

We are patient-centred. If that means anything to us, we will go along with what the patient needs. I think that's going to be the very strong challenge that we have coming up. I know that half the hospitals have not balanced their budgets. That's going to be the very strong challenge.

M^me^ France Gélinas: There is competitive bidding happening right now in only one part of the health care system, and that's in the home care system. Working for the LHINs, would you be open to having competitive bidding within other parts, let's say, community mental health? Would you be open to having a competitive bidding process apply to other parts of the health care system within your realm of decision-making?

Ms. Mina Grossman-Ianni: I've said to your colleague that I'm for publicly sponsored health care. Part of the whole Canadian culture is the health care. Having said that, we have to look at what is the best thing for the patient. So without wanting to prejudice my point of view right now, because I've been away from it for a year and a half or two years, I've said that and I agree with it and I believe in it strongly—publicly funded health care. However, maybe there are areas where we will have to look for the private funding for the good of the system, for the good of the patient. I'll have to see.

J'ai parlé français juste en votre honneur et vous n'étiez même pas là.

M^me^ France Gélinas: Je vous ai regardé à la télé, madame.

The Chair (Mrs. Julia Munro): We've run out of time. I'd like to move on to Mrs. Van Bommel.

Mrs. Maria Van Bommel: I want to welcome Ms. Grossman-Ianni to Queen's Park and thank her for appearing before the committee. We have no comments or questions.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, Ms. Grossman-Ianni, for coming. You have quite a varied background.

Ms. Mina Grossman-Ianni: I do.

Ms. Lisa MacLeod: It's very interesting.

You previously served as chair, and I'm just wondering if you could let the committee know what you've been able to accomplish during your previous incarnations on this LHIN.

Ms. Mina Grossman-Ianni: We were, right at the very, very beginning, aux balbutiements, of the process, and we were learning as much as everybody else.

The first thing was, we hired an executive director, who turned out to be a very good choice. And then we proceeded in a very, very methodical way, I think, although there was a great deal of gnashing of teeth and a great deal of public controversy about the whole thing. We proceeded along and we got three members of the board, first of all, and then we had nine members and then we had to look at what was going to happen with the public funding thing. We really got to know everybody

and got to know all the players in the field. It was basically a public relations campaign on both sides—for them to get to know us and we had to get to know them. Now they're funding, and I guess that's a very dicey situation because they have problems with the funding. They're very, very busy; I know that.

Ms. Lisa MacLeod: What would you say is the greatest need in your community with respect to health care and providing services with the LHIN, and how would you go about implementing the mandate of the LHIN?

Ms. Mina Grossman-Ianni: The greatest needs are very great. The emergency services need money in the hospitals. The hospitals, in general, need money, the CCAC needs money, and then all these smaller organizations as well. I've been out of it for two years now. The board was constituted under my previous incarnation. I would have to see how the board is doing, what they're doing. I haven't looked at it at all.

Ms. Lisa MacLeod: You had indicated to my colleague from the third party—and I took it as an openness to private investment in the public delivery of health care, provided that health care is—

Ms. Mina Grossman-Ianni: Publicly funded.

Ms. Lisa MacLeod: So you say no to any sort of private investment in the public delivery—

Ms. Mina Grossman-Ianni: I don't say no to private investment.

Ms. Lisa MacLeod: Okay, I just want to be very clear on that.

I just have a couple of quick questions. I did notice on your list of references that you included the current finance minister, Dwight Duncan. I also note, through our research, that you are a major campaign contributor to the provincial Liberals in Windsor.

Ms. Mina Grossman-Ianni: Not a major one; I go to events. Sometimes they're $250 a plate. But I've gone to NDP events; I've gone to Conservative events. I'm a member of the Conservative Party, too.

Ms. Lisa MacLeod: That's great. It's just interesting that you've contributed over $2,000 to the Liberals in recent years.

Ms. Mina Grossman-Ianni: Over the years, yes.

Ms. Lisa MacLeod: And there is a connection there with the finance minister; you've contributed to his campaigns and he is also a reference. So I'm just wondering if he or any member of his staff had approached you.

Ms. Mina Grossman-Ianni: He approached me in the beginning, the first time around, and I had to look at it very seriously. This time, I applied probably in December for several different things. I was talking to somebody in his office and they said that the LHIN chair was open again. I was very surprised that it was open, so I said, "Sure, I'll do it again."

Ms. Lisa MacLeod: I notice that you did apply for eight different positions, one with the art gallery, which I think, based on your experience, probably would have been your first choice.

Ms. Mina Grossman-Ianni: No. I didn't know that the LHIN was still open.

Ms. Lisa MacLeod: I notice that you did apply for the LHIN, as well. I'm just wondering how the process came about that it was whittled away from eight to one. Were you contacted by anyone so that you could express a direct interest in one over the other?

Ms. Mina Grossman-Ianni: As I said, I talked to somebody in Dwight's office and they told me that the LHIN chair was open, so I said, "Well, that would be great." That's how it got whittled down.

Ms. Lisa MacLeod: Is that when you asked him to be a reference?

Ms. Mina Grossman-Ianni: Yes.

Ms. Lisa MacLeod: That concludes our questioning.

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The Chair (Mrs. Julia Munro): That concludes the questioning. We appreciate your coming here today.

We have completed this part of the agenda on the appointments review, and I'd like us now to move to concurrences.

We will now consider the intended appointment of Raj Anand, intended appointee as chair, Human Rights Legal Support Centre.

Ms. Lisa MacLeod: Madam Chair, may I ask for a referral?

The Chair (Mrs. Julia Munro): Yes, that is in order. In that case—yes?

M^me^ France Gélinas: I'm not exactly sure when to ask, but we've asked a number of questions on which I would like research to concur with the answer that the candidate has provided. Do you want me to go through this or do you have it through the—

The Chair (Mrs. Julia Munro): Yes. The researcher can get it on Hansard.

M^me^ France Gélinas: Okay.

Ms. Lisa MacLeod: So will this be made available? I support what my colleague is asking for. Will this be made available to us before our next meeting?

The Chair (Mrs. Julia Munro): Yes. Anything that a member asks the researcher to do is obviously shared among the entire committee.

M^me^ France Gélinas: The part we're most interested in is the series of questions where we asked for true and false and he made statements—but anyway, you'll get it through the Hansard.

The Chair (Mrs. Julia Munro): That's right.

Ms. Lisa MacLeod: And may I also add this? We asked about a certain series of articles that were sent to us, submitted to us, by an individual from Ottawa. I believe there was an allegation. I would like the researcher to check this, that those articles in the Ottawa Citizen and the Toronto Star were false. And I want to know if there was ever any retraction made by either of those newspapers for printing those articles.

Mr. David Ramsay: This is, to be very polite about it, a little witch hunt that some of these committee members are embarking upon. I think this is quite unprecedented, that you would now try to use legislative research to veri-

fy the veracity of a potential appointee's answers. We have this opportunity to question the witnesses and then we make our judgment from there. If you don't like the appointment, then you vote against the person. But I think that's where it should lie.

To now start having some research into the validity of the answers that were provided I think is way beyond the scope of this committee. I'm not sure how legislative research can start to verify some of these issues that we see. It's like a "he said, she said" from newspaper articles years ago. If you don't believe the candidate, then vote against the candidate. That's the right of the opposition.

Mrs. Liz Sandals: The other thing is that the series of questions seemed to be about human resources issues. It's all very well to say you can go into some newspaper's morgue and pull out old articles, but the only way that you could verify is actually to go into the human resource records of an agency, and we obviously have no right to do that. The real answers to the questions lie in the HR records of the agency. Clearly, that's impossible to accurately verify. All you can do is bring up more media.

M^me^ France Gélinas: All of the questions that we asked are all facts. Those are facts that can be verified. We would like them verified because I feel like witnesses cannot mislead the committee. If they do, we have to know, and if they don't, hallelujah, everybody's happy.

Ms. Lisa MacLeod: I would like to support my colleague in the third party. I think that to do due diligence prior to the vote, a week from today, we should have the information. I agree with her that this committee is a committee of provincial Parliament. It is a very important committee and members of the public expect us to be doing due diligence. There should never be a cloud hanging over any appointee here. If it's not a crime to mislead a committee of this Legislature, it ought to be. I think that we have to do due diligence on this issue. Some of the questions were very pointed and I believe, on this side anyway, that some of the answers were deemed questionable. So we would appreciate, on this side at least, the courtesy of having some of those researched.

Mr. Michael A. Brown: I have great difficulties in putting an employee of legislative research in a position of being the person who characterizes an answer as correct or incorrect or misleading or not misleading. I am really disturbed that any member on the other side is using their immunity as members when we're on the air to disparage the answers of someone when they have absolutely no evidence at this point. They've self-admitted, because they need the research to verify, to doing that at this point. I think it's a gross abuse of our parliamentary situation here.

Mrs. Joyce Savoline: I think that all that's being required from the legislative research person is to produce information and facts. No one's asking the legislative research person to make judgment on what that information is but to bring the information here—

Interjection.

Mrs. Joyce Savoline: On the part of the research person, it's to bring the facts to the table. The decisions would be made here. I don't think that there's an issue with asking a research person to bring forward information.

Mrs. Maria Van Bommel: I have real concerns about the issue of the research, again, because it has to delve into human resource records. Those are private records, confidential records. Certainly without the permission of the individuals involved, to ask legislative research to go into those files is inappropriate. It's an absolute breach of their privacy.

The Chair (Mrs. Julia Munro): All right. Thank you very much, members, for your comments. I am going to remind you that the request was made on the basis of the ability of the researcher to use a public document, and so the questions that you have raised with regard to those that are covered by privacy policies obviously would not be what was in the request. So I think if we were to look at any other question of asking the researcher to provide, then this would be something that would certainly be within keeping of the purview of the committee. So I think that—

Mr. David Ramsay: Madam Chair?

The Chair (Mrs. Julia Munro): Yes.

Mr. David Ramsay: I would move that we put this request to a vote of the committee to see if the committee agrees with this direction.

The Chair (Mrs. Julia Munro): It would have to be in writing.

Mr. David Ramsay: Can you give us a minute, then?

The Chair (Mrs. Julia Munro): I will give you about a three-minute recess to do that.

The committee recessed from 1138 to 1142.

The Chair (Mrs. Julia Munro): I'd like to resume. Yes, Mrs. Van Bommel.

Mrs. Maria Van Bommel: I move that the opposition request for legislative research to investigate the truthfulness of Raj Anand's responses be put to a vote.

The Chair (Mrs. Julia Munro): Discussion?

M^me^ France Gélinas: I don't want to play semantics. I'm not in my first language; I'll lose. But I'm trying to clarify. I just want to check the facts, like you do on everything else. When we come in here, they go through their resumé, they check the facts, they read. This is all I want to know: Things like, the entire legal staff quit. We asked that question; he said, "No." I don't want to know the names of those lawyers, I don't want to know their personal—I just want to know—go back and check if it did happen or didn't happen. I'm not on a witch hunt, I just want to check the facts.

The Chair (Mrs. Julia Munro): Thank you. Before we call the vote on this, I just want to clarify for you that this motion is, of course, a motion that the committee is requesting, this information. So in voting, it does not mean that the individual can ask for information, just to be clear on that.

Ms. Lisa MacLeod: The NDP, the third party, asked some very serious questions based on published reports

in the Toronto Star on May 5, 1989. They have some serious questions. Based on published reports and what the testimony today provided, there is an inconsistency. The motion provided by the government is essentially shutting down research for the opposition. If we are not given the proper information by this Legislature on how to best appoint public appointees, then they are stifling debate.

They're throwing out lots of things and lots of rhetoric, but quite honestly, she made a reasonable request for facts—to fact check. We're not asking anyone to provide their own opinion. That's for us to do. He can advise us on what has occurred and he can do the fact checking. We can make the decisions quite capably on our own in this committee room.

I really resent the notion that five members in the government can basically stifle public debate and can stifle the information that we are trying to gather to make the best decisions we possibly can for the people of this province.

Mr. Michael A. Brown: That's just outrageous.

Ms. Lisa MacLeod: It's not outrageous.

Mr. Michael A. Brown: We've had the information regarding the appointment for some time now. If you had wished any facts checked, the time to ask was before the person appeared. I see no problem with that.

Further, I think that if you show any courage at all, you go outside this room and say it where you don't have immunity.

Ms. Lisa MacLeod: We didn't say anything that was—

Mr. Michael A. Brown: Well, I think you did, if you check the record. I had the feeling we were in the Star Chamber here for a while. Look, I think it's reasonable and sensible that if you want to go check those facts, you have research, you can do it.

The problem is, any question, whether it's this or on any other issue, asking a researcher to come back and decide the veracity—either true or false, right or wrong—is a question really for the committee, not for the researcher. I have the greatest confidence in our legislative research, but for them to be absolutely, positively sure from sources that are available to them that they are correct or incorrect is virtually impossible. I see no problem with moving forward in the manner we normally move forward. I wonder if there's any kind of precedence for this situation.

The Chair (Mrs. Julia Munro): Could I just interject here, because I would like to suggest to you that it is clear to me, as the Chair, that there is not consensus on the issue with regard to the committee and requesting this information. If you wish, we can simply move forward; that there is not consensus, and any individual of the committee is quite within their rights to ask for information from research. I am just suggesting this, as opposed to having a vote, because that is, in fact, the option that is available, given that, as the Chair, it's clear to me there is no consensus on this issue.

Mrs. Liz Sandals: I will go back to what I said before. My experience as a board chair, when you are dealing with human resource issues—and some of these questions had to do with who was being interviewed and who was hired and who left voluntarily and who did or didn't leave—is that newspaper reports are often highly inaccurate because, by definition, the employer cannot reveal the information. So to suggest that somehow if we get legislative research to dredge up old newspaper reports—which is the only thing that is publicly available. We will be no closer to what were the actual facts. I hear people saying, "All we want are the facts." Unfortunately, you can't have the facts. The facts—

Laughter.

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Mrs. Liz Sandals: No, you cannot legally access the facts, because the facts are buried in the personnel file of an agency to which we have no legal access, and to which legislative research has no legal access. So we are not going to be any closer to the actual facts. No matter what you ask legislative research, it will still be, "Whom do you believe?"

The Chair (Mrs. Julia Munro): I appreciate the comments. However, what we are looking at is the issue of whether you want a motion, or whether you're prepared to simply do this on the basis that I'm suggesting, that there is not consensus.

Mr. Kevin Daniel Flynn: I think we need to be clear as a committee. I would like the issue to be put to a vote, and that doesn't take any of the rights away from any member of this committee. We can still access legislative research, as long as it's within the purview of the committee.

The Chair (Mrs. Julia Munro): All right. Yes?

Mrs. Joyce Savoline: Just one comment that may be helpful and may not: First of all, I hope we never feel that we can't get facts, because that's part of our responsibility here, to at least attempt to get the facts. That's how we make decisions on real information, and not from the newspapers. I think that that's what the member is asking for. I wonder if it makes a difference to the government if the member asks for a deferral, so that her staff may research the facts. It's one week, and that takes it out of the hands of the legislative research folks and puts it in the hands of the member to bring back information to you. Perhaps, if the member would consider that kind of deferral, it may make it easier for the government to vote on that.

The Chair (Mrs. Julia Munro): Let me just remind you that we have the deferral, and that's not on the table at this point. Since you have read a motion and there isn't consensus, I'm looking at the possibility, then, of simply voting on the motion.

Mrs. Maria Van Bommel: I also want to remind the committee of what's stated here very clearly, that the allegations were investigated and he was cleared. Our research shows that he was cleared by George Thompson, a judge of the Superior Court. So I think we have to remember that as well. Are we questioning that as well, then?

The Chair (Mrs. Julia Munro): I think that I would entertain any further comments on the motion itself, as opposed to anything else that deals with other issues.

M^me^ France Gélinas: Well, Mr. Brown said that if we wanted clarification we should have asked before the witness came into committee. If it was, I didn't know that, so I didn't. But I also didn't see the need for this.

When you asked the question, "Did the commission and its entire legal staff quit during your mandate?" I expected him to come up with an answer like, "This big opportunity opened up downtown. The lawyers transferred over because they were paid better and more respected," etc. That would have been a satisfactory answer and that would have been the end of that question.

But it's because of his answers that I feel like I need the facts, because they don't seem to jibe. If you bring it to a question of timing, I don't think it holds, because I could not guess what he was going to answer to that question. Only once I heard his answer did the red flag go up, to say that we need to check those facts, and that's all. Far be it from me to have any human resources file open. That's not what we're after. We're after the facts that lie within the public information domain.

Mr. Kevin Daniel Flynn: I think the member for Burlington has it right. We've got certain rights as committee members that we're free to exercise from any one of the parties who are here today. It certainly is the opinion, I think of this side anyway, that the role that was being contemplated for legislative research is not appropriate. So I would ask that we have a vote on that, and that each of us be able to exercise our rights as members during the week of deferral that is being granted as of right already.

The Chair (Mrs. Julia Munro): We did not receive the motion in writing.

M^me^ France Gélinas: Madam Chair, just a procedural question: If we do research that has not been mandated by this committee, will the result of that research automatically be considered by everybody on this committee? I don't understand how this will work.

The Chair (Mrs. Julia Munro): Research that the committee wishes to do is available to everyone, but as an individual you can request research.

M^me^ France Gélinas: And the result of that research will be considered by everybody?

The Chair (Mrs. Julia Munro): That would be up to the individual member who requested it to decide.

M^me^ France Gélinas: So I would share the result of that research with the clerk, who would then share it with all of the members. And would it be considered by this committee like any other piece of information that we get?

The Chair (Mrs. Julia Munro): The deferral is only the right to defer a vote.

M^me^ France Gélinas: I understand. I'm more interested in the fact-searching.

The Chair (Mrs. Julia Munro): I understand that, but I've given you the answer.

M^me^ France Gélinas: Okay.

The Chair (Mrs. Julia Munro): Would you read the—

Mrs. Maria Van Bommel: I'm sorry. You have it now.

The Chair (Mrs. Julia Munro): Oh, I'm the only one with it.

Mrs. Van Bommel moves that the opposition request for legislative research to investigate the truthfulness of Raj Anand's responses be put to a vote.

I think we've had sufficient conversation, and so I'd call for the vote. Is everyone clear on the motion being asked?

Ms. Lisa MacLeod: Can I just hear it one more time, please?

The Chair (Mrs. Julia Munro): Mrs. Van Bommel has moved that the opposition request for legislative research to investigate the truthfulness of Raj Anand's responses be put to a vote. So the request is being put to a vote.

Ms. Lisa MacLeod: Here's the challenge with that. We're not requesting that he go through the truthfulness; we're just requesting further research be done based on information that we've received as committee members, which was circulated by the clerk, and information which was obtained through questioning by the third party. There seems to be a bit of an inconsistency. All we're asking for is to provide us with the facts.

The Chair (Mrs. Julia Munro): I think you need to let me go back to a point I made a few moments ago, which is the fact that you don't need to have a committee making a request. That's why I said to you a few moments ago that as the Chair, I sense that obviously there is not an agreement here, a consensus. Therefore, I'm suggesting that in fact you may want to reconsider even having a motion, because it isn't necessary. An individual can request this information; it doesn't have to be through the request of the committee.

1200

Mr. David Ramsay: I appreciate that, and I think you're right. Maybe the opposition members should just withdraw that request through the committee and then, of course, they can exercise their right as individuals afterwards and have a discussion with legislative research, if they so wish.

The Chair (Mrs. Julia Munro): Can we get consensus on that idea?

Ms. Lisa MacLeod: You know what? Just for the sake of getting on with this, I'm going to agree, but I'm going to tell you something. I resent the fact that the government is muzzling us in this committee. To learn from information, they've resorted to suggesting that we should go outside to say that we want more information because we believe that the sanctity of this committee should be upheld. From that perspective, I'm going to ask, as I'm sure my colleague from the third party will, for a lot of details on this appointment.

I gather that this group of Liberals has been sent in here just to pass everything that they've been told to pass.

It's very disappointing. We have some inconsistencies that we believe we've seen out of today's committee hearings. I'll support the NDP and myself both going to the committee clerk ourselves and asking for legislative resources, if that's fine with her.

The Chair (Mrs. Julia Munro): Thank you very much. We will move on to the concurrences.

We will now consider the intended appointment of Yusra Siddiquee, intended appointee as member, Public Accountants Council for the Province of Ontario.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Yusra Siddiquee.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none, all in favour? The motion is carried.

We will now consider the intended appointment of Karen Lowe, intended appointee as member of Kincardine Police Services Board.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Karen Lowe.

The Chair (Mrs. Julia Munro): Any discussion?

Ms. Lisa MacLeod: A recorded vote, Chair.

Ayes

Brown, Flynn, Gélinas, Ramsay, Sandals, Van Bommel.

Nays

MacLeod, Savoline.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Barbara Lynn Graham, intended appointee as member and chair, Champlain Community Care Access Centre.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Barbara Lynn Graham.

The Chair (Mrs. Julia Munro): Any discussion?

M^me^ France Gélinas: Recorded vote.

Ayes

Brown, Flynn, MacLeod, Ramsay, Sandals, Savoline, Van Bommel.

Nays

Gélinas.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Mina Grossman-Ianni, intended appointee as member and chair, Erie St. Clair Local Health Integration Network.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Mina Grossman-Ianni.

The Chair (Mrs. Julia Munro): Any discussion?

Ms. Lisa MacLeod: Recorded vote, Chair.

Ayes

Brown, Flynn, Ramsay, Sandals, Van Bommel.

Nays

Gélinas, MacLeod, Savoline.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): That concludes our business on intended appointments, but I would just ask you to look at the subcommittee report.

Mrs. Maria Van Bommel: I move the approval of the subcommittee report on business for Tuesday, April 1, 2008, as follows:

Your subcommittee on committee business met on Tuesday, April 1, 2008, to consider the method of proceeding on agency reviews and recommends the following:

(1) That the committee conduct agency reviews pursuant to its permanent order of reference, standing order 106(e).

(2) That the agency reviews be conducted during the summer recess and the winter recess, and that the subcommittee meet to consider a proposed meeting schedule for the committee's reviews and direct the Chair to seek authorization by the House of committee meeting time during each recess.

(3) That the agency reviews be conducted based on the following selections (two per caucus):

Selections of the official opposition:

—Human Rights Legal Support Centre

—Ontario Educational Communications Authority (TVOntario)

Selections of the third party:

—Ontario Securities Commission

—Ontario Infrastructure Projects Corporation (Infrastructure Ontario)

Selections of the government caucus:

—Human Rights Tribunal of Ontario

—Ontario Trillium Foundation.

(4) That the committee conduct follow-up reviews of selected agencies previously reviewed and reported on during the 38th Parliament.

(5) That the follow-up reviews be based on the following selections:

Selection of the official opposition:

—Workplace Safety and Insurance Board

Selection of the third party:

—Ontario Lottery and Gaming Corporation

Selection of the government caucus:

—Selection to be determined.

(6) That the order for consideration and the procedures to be followed with respect to all agency reviews and follow-up reviews be determined by the committee upon receipt of a further report from the subcommittee on committee business.

(7) That the report on the Health Professions Appeal and Review Board, adopted by the standing committee on government agencies during the 38th Parliament, be printed and that the Chair be directed to present the report to the House.

The Chair (Mrs. Julia Munro): Any other discussion on the report?

All those in favour? Opposed? The motion is carried.

Thank you very much for your participation.

Mr. Kevin Daniel Flynn: Before we adjourn, what I would like as a member—I suppose I can get it myself, but it may be of value to all members here—is to get some sort of description as to the appropriate role for legislative research on this committee so that we're all operating from the same page. If you would provide that, or if I could have that, I'd appreciate it.

The Chair (Mrs. Julia Munro): We'll certainly do our best. The committee stands adjourned.

The committee adjourned at 1207.

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Also taking part / Autres participants et participantes
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Mr. Yasir Naqvi (Ottawa Centre)

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Première session, 39e législature



Official Report of Debates (Hansard)

Wednesday 9 April 2008

Journal des débats (Hansard)

Mercredi 9 avril 2008

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues

Chair: Julia Munro
Clerk: Douglas Arnott

Présidente : Julia Munro
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 9 April 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 9 avril 2008

The committee met at 1002 in room 151.

INTENDED APPOINTMENTS

RAJ ANAND

Review of intended appointment, selected by official opposition party: Raj Anand, intended appointee as chair, Human Rights Legal Support Centre.

The Chair (Mrs. Julia Munro): Good morning, everyone. This is the standing committee on government agencies. I'd like to begin.

If you'll note, our first order of business is the deferred determination on the intended appointment of Raj Anand as chair, Human Rights Legal Support Centre.

Mrs. Maria Van Bommel: I would move concurrence in the appointment of Raj Anand as chair, Human Rights Legal Support Centre.

The Chair (Mrs. Julia Munro): Any discussion? I would just say to members that this will be a very brief opportunity—

Interjections.

Mr. Kevin Daniel Flynn: On a point of order, Madam Chair: My understanding is that the motion was called at the last meeting and the vote was deferred, and the only thing left to do this morning is to have the vote.

The Chair (Mrs. Julia Munro): According to the format of asking for concurrence, there is an opportunity for members to make comments.

Mr. Kevin Daniel Flynn: That's not our understanding.

The Chair (Mrs. Julia Munro): That would be the normal process. That's the script, if you like, that we use when the motion has been made. I've made it very clear that I'm looking for a very brief comment at this point.

Ms. Lisa MacLeod: On behalf of the official opposition, I'd like to say that we will not be endorsing concurrence for this particular candidacy, and I have four brief points why.

During committee, Mr. Anand did mislead our questioning when we asked if he had ever made representations for Bill 107. We found in Hansard four such occurrences that he did on behalf of the government.

The offices of the official opposition have received complaints from the public on this particular appointment.

Third, the report which the government states cleared the air was actually done by internal staff for then-Minister Phillips, who was the Minister of Citizenship at the time, under the Peterson government. So what we would be asking for before endorsing this particular appointment would be a clear-the-air report, because this is a $14.1-million operation, as we've just learned today in the newspaper from a leak from the Attorney General. There are still many questions that we have.

In addition, I'd just like to point out that this is the second time today—first of all, the Liberals on the committee did try to revoke our right to know, in terms of information that they had actually put our request into a motion, whether it should be votable or not, whether we were entitled to information, and then again today wanted to stifle our ability to discuss this.

So, for the record, when the concurrence goes to the House, the official opposition would like it noted that we did not support this appointment of Raj Anand to the Human Rights Legal Support Centre for those reasons.

The Chair (Mrs. Julia Munro): Any further comments?

M^me^ France Gélinas: I would like to make a comment also that when this appointment came forward, there was some information that was provided by the Clerk's office which led to some questioning, and there was some discrepancy between the information we received from the Clerk and the answer we received from the appointee.

The ensuing set of actions was that I asked for legislative research to clarify some of the information that we had received from the Clerk's office. This request was denied by the members of the Liberal Party in a way that I think didn't serve the public well. We should have had an opportunity to get transparent information.

Although this man presented himself well and seemed to have lots of good qualifications to meet the requirements of this appointment, there was this pressure for me to withdraw my request for information that I think does not serve this House well. It doesn't serve the public appointment well. For this reason, I won't be supporting the appointee. I think it's not serving the House well, and if we were to repeat what happened last week, we wouldn't be serving the people of Ontario well. I hope it never happens again to anybody.

The Chair (Mrs. Julia Munro): Yes, Mr. Hudak?

Mr. Tim Hudak: Thank you, Chair. I'm not substituted on the committee, so I, unfortunately, cannot vote on this proposed appointment. But what stirred my curi-

osity was the reaction of the Attorney General yesterday, which was—I'm sure my colleagues opposite would agree—way over the top. A member of this committee raised legitimate concerns about the record of the proposed appointee, raised some of the issues—

Mr. Michael A. Brown: The nerve. A smear a day keeps qualified people away.

Mr. Tim Hudak: I hear my colleague Mr. Brown saying that this is a smear campaign. Is that what you're saying, Mr. Brown?

Mr. Michael A. Brown: Yes.

The Chair (Mrs. Julia Munro): Just a minute. You're going to speak through the Chair and we are going to keep our comments brief. We have a full agenda. Mr. Hudak, you have the floor. Please proceed.

Mr. Tim Hudak: Thank you, Chair. Again, the members of the government side are obviously trying to intimidate the opposition members from asking legitimate questions by suggesting that simply reading across headlines that had existed of great controversy dealing with this intended appointee is somehow a smear campaign. They raised legitimate questions—and the Attorney General obviously trying to intimidate members of this committee from asking legitimate questions about Liberal appointees.

Now, Chair, if the Liberal members of the committee had brought forward information, as members of the opposition—both the Conservatives and the New Democratic Party—had asked for, I wouldn't be as suspicious. But the fact that, repeatedly, information requests have been denied, that the appointee gave some responses to questions that appeared to be at variance with the truth, and then to see Mr. Flynn begin today's meeting by trying to shut down any further comments by members of the committee, tells me this looks like some sort of cover-up campaign by the government members for a Liberal friend that will work against odds with the goal of this particular committee.

You have the votes. I don't understand why you have to resort to these types of intimidation tactics or accusing members of the opposition of a smear campaign when you have the votes.

The Chair (Mrs. Julia Munro): Any further discussion? Okay, seeing none, I'd ask for the vote. All in favour?

Ms. Lisa MacLeod: Recorded vote.

Ayes

Brown, Flynn, Ramsay, Sandals, Van Bommel.

Nays

MacLeod, Hillier, Gélinas.

The Chair (Mrs. Julia Munro): The motion is carried.

1010

GEMMA SALAMAT

Review of intended appointment, selected by official opposition party: Gemma Salamat, intended appointee as member, Council of the College of Midwives of Ontario.

The Chair (Mrs. Julia Munro): We will move on to the appointments review, the second part of our agenda. Our first interview today is with Gemma Salamat, the intended appointee as member, Council of the College of Midwives of Ontario. Ms. Salamat, good morning and welcome to the committee.

Ms. Gemma Salamat: Thank you very much.

The Chair (Mrs. Julia Munro): As you may know, you have an opportunity to make an initial statement and subsequent to that we will have an opportunity to have questions from the members of the committee. This morning we will be commencing with questioning from the government party members. As you know, each party has 10 minutes and we deduct the time that you take from the government. Please begin.

M^me^ France Gélinas: Madam Chair, I was reading at the same time. Do I start or do they start?

The Chair (Mrs. Julia Munro): No, the government starts.

M^me^ France Gélinas: Sorry.

The Chair (Mrs. Julia Munro): Please proceed.

Ms. Gemma Salamat: Madam Chair and members of the committee, I thank you for the opportunity this morning to be before you, to present to you personally my background which could be considered for the appointment to the Council of the College of Midwives of Ontario.

My name is Gemma Salamat and I've had many, many years of experience in the business world. I have previously been the Ontario superintendent of pensions, where we did many governance issues. I have obtained a lot of my past experience through my employment with the Ontario government. I've worked with human resources management consulting firms and have been an adviser to companies on their employee benefits plans, portfolio development, management and looking after, by and large, pension fund obligations.

My background: I am a human resources professional as well as insurance and securities licensed, the later two being in part needed for my consulting background. I have recently left full-time employment. I am officially retired and drawing Canada pension plan and old age security, and still do a little bit of consulting when the opportunity arises. But by and large, my time is now free to devote in some capacity to public sector work.

I'm looking forward to the opportunity to serve the people of Ontario in some capacity and thought that this could be accomplished by my serving on an agency, board or commission. In my past employment and voluntary lives, I have worked with government and community boards and as an adviser to business publications. In particular, I bring to your attention Benefits Canada

and Today's Corporate Investor. These have given me skills which I believe are transferable to an Ontario agency, board or commission.

When I decided that I wanted to serve the people of Ontario in some capacity, I searched the Ontario websites looking for opportunities and I found the one related to the Council of the College of Midwives of Ontario. In my research, I learned what the role of the council would be and found that they were administrators of the college's affairs and they regulated the profession of midwifery in the public interest. They also establish, monitor and enforce standards of practice. Looking at my past experience as Ontario chief pension regulator, these are areas that I'm very comfortable with because we had to enact legislation there and set rules and regulations for the administration of pension plans.

Let me speak briefly, since this is a governance position, to what I believe is governance. "Governance" is used very loosely in today's business environment. To me, though, it means that good governance is to have in place a comprehensive and articulated strategy which addresses the duties, associated responsibilities and accountabilities for all participants in the governance process and also to have an oversight regime for monitoring and protecting the interests of the sponsors and beneficiaries. In this particular case, it would be the midwives, the Ontario government and the mothers-to-be. And lastly, is is to have measures in place which will really identify successes and failings of a particular board. Whatever is in place, however, must be transparent to the users in accordance with whatever rules, regulations and codes are in place at that point in time.

With respect to becoming a member of the council, I realized that this was an ideal situation for me. I applied through an online application process for an appointment to this position. Subsequently, I had a telephone interview with Ministry of Health and Long-Term Care officials. And then only last week, I had an invitation to appear before the committee. Since that time, I've become a grandmother—last Saturday.

Mr. Michael A. Brown: Congratulations.

Ms. Gemma Salamat: Thank you very much. And would you believe, it was with a midwife. It was a home-birth, and through that—this was the second situation. Through my daughter-in-law, I have learned a lot about the midwifery profession. It's one that I know my son and daughter-in-law would not trade for anything because they are so comfortable with this particular situation.

I have not had a whole lot of time because I have been babysitting my two older grandsons, an eight-year-old and a three-year-old, who is very active, and helping mother with the newborn.

I must confess that I've had very little practical experience with the College of Midwives of Ontario and the laws governing it, but I did some research through the public sites for purposes of this review. I am a quick study and understand that I will have some orientation. With my working knowledge of laws, rules and regulations and the general governance process, I am confident that I will get up to speed quickly and become a contributing member of the council.

The Chair (Mrs. Julia Munro): Thank you. Congratulations. What a wonderful opportunity for some practical knowledge.

We go to the governing party and Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much, Ms. Salamat, for coming in. Certainly, as a public member, you don't have to have professional knowledge of midwifery, but I was going to ask if you had some experience. Of course becoming a grandmother through midwifery is definitely a good experience for all of us. Congratulations.

Ms. Gemma Salamat: It's a good experience. Thank you very much. It's been a learning experience for me, because, of course, I come through the old rule where you have your obstetrician and gynaecologist and you go to them. In the old days, it was different to the new days, when you were just a number along the spectrum. It was really an eye-opening experience for me.

The Chair (Mrs. Julia Munro): We'll move to the official opposition.

Mr. Randy Hillier: Thank you very much for being here today. Just a few brief questions. You mentioned that you searched the website and you found this appointment on the website. Were you approached in any other manner to indicate about this appointment?

Ms. Gemma Salamat: No, but I did some research previously. The way that I know about the opportunities available for potential appointees is really through ministers and other elected officials attending our mosque. They have always encouraged people to apply. Minister Smitherman had come, I think, within the last year, and as a result of his meeting with the mosque people, I was looking at the site of the Ministry of Health, and that's how I—but I was not personally approached by anyone. I did my own research.

1020

Mr. Randy Hillier: I understand you had a telephone interview with the Ministry of Health people.

Ms. Gemma Salamat: Yes. They called me after I sent in my online application, just to get a sense of who I was, I would imagine.

Mr. Randy Hillier: About how long was that interview?

Ms. Gemma Salamat: It was a telephone interview, so I would say it was about five or 10 minutes, getting a sense from me as to what my experience would be to serve this particular board.

Mr. Randy Hillier: But there have been no other interviews by the ministry officials, other than that telephone interview?

Ms. Gemma Salamat: No other interviews.

Mr. Randy Hillier: Are you a member of any political party?

Ms. Gemma Salamat: Not currently, but I was a member, in the past, of the Liberal Party. I think my hus-

band has been a member of just about every party when he's been disenfranchised, so through that, we've had great associations with all parties in Ontario.

Mr. Randy Hillier: Have you donated to the Liberal Party?

Ms. Gemma Salamat: Very minimally. I've gone to conventions of some sort in which you had to pay some fees. I don't know if that's considered a donation or not, but you do get a tax receipt for it.

Mr. Randy Hillier: Those are all my questions for now.

The Chair (Mrs. Julia Munro): We'll move on to Ms. Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park. I want to also congratulate you on the birth of your new grandchild. I'm sure it was quite a different experience. Midwives do not consider birth a medical process, but a natural process. It changes everything.

My first question has to do with French-language services. Do you have any ability to speak French?

Ms. Gemma Salamat: Very minimally. I did some French communications through the Alliance Française. I wouldn't even call it a working knowledge. It's really very minimal.

M^me^ France Gélinas: Most of your work has been in and around the city of Toronto. Do you have any knowledge of health care delivery, particularly with midwifery, as it pertains to people living in northern Ontario?

Ms. Gemma Salamat: I must say, not very much. Again, this is a very new field to me, so I know that I would have to do a lot of background work and research to come up to speed if I am appointed.

M^me^ France Gélinas: Along the same line, midwifery is the provider of choice for First Nations families who are expecting. Do you have any knowledge of the culture and of the First Nations of Ontario?

Ms. Gemma Salamat: Again, I have to say, no, I don't have any knowledge, but hopefully I would learn about these in the future.

M^me^ France Gélinas: Midwifery is a fairly recent profession that was added. It has been there for a long time, but it's only been recognized in this province in the last 10 years or so. There are still lots of battles that those professionals have to fight for access to delivery rooms in hospitals. There are often lots of tensions when those professionals are brought in. They are often not treated very well. They not only have to attend to their clients, but also prep the room, clean up the room etc., which would never be expected of any other professional, but it is expected of the midwives.

There are some big battles that the midwives still have to fight that have to do with governance, their college and the position that you will be sitting in. Are you aware of those, and do you feel up to the fight?

Ms. Gemma Salamat: Once I had applied for this position, I started to do a bit of research on my own. First of all, I understood what the colleges do, what the council would do. I really looked to people I knew to talk about what kind of situation would arise when care has to be transferred from one to the other, whether care is at home or in the hospital by the midwives. Fortunately for me, I have a brother-in-law who is an obstetrician-gynecologist and who was a Queen's University professor, and I have a nephew, the son of my brother-in-law, who is an obstetrician-gynecologist, so I felt them out informally about what their feelings and their colleagues' feelings are about midwives in the hospitals and the qualifications that they bring to the table in delivering maternity care. I got the sense that there is a lot of antagonism at the present time and that there is a need for a lot of bridge-building. With any new profession, as you know, this has to be there. There has to be an openness, there has to be communication. There are definitely lots of challenges. I think there will have to be intense communication, so that all participants in this process, be they the hospitals, the gynecologists and obstetricians, or midwives, will have to feel that in their own areas they are serving the need of the beneficiaries, which would be the moms and families. I get a sense that there's lots of work to be done, but that is not unusual with every new profession when you're crossing territorial bounds.

I'm prepared for this. When we developed pension legislation in Ontario, I was there. It was not only Ontario; there were a lot of discussions with the other provinces, there were lots of communications with the tax authorities. Again, we were embarking in new areas. Through communication, much will be accomplished; I feel confident of that.

M^me^ France Gélinas: I think you're going into battle with your eyes open, so that's good to hear.

Ms. Gemma Salamat: I hope so. You never know until you get there truly what is in store and what the agenda is. And there are hidden agendas and overt agendas, as we know.

M^me^ France Gélinas: There is a movement among the midwives that says, "We are recognized, we have our college, but we should simply withdraw from the payment scheme and go back to what it was before," where families would pay the midwives directly rather than have to deal with the building of the bridges that you're talking about. What are your views about midwives offering their services for a fee?

Ms. Gemma Salamat: I haven't really thought too much about this, but my quick response to that—if I had more time, I could go into it deeper—is the government has the obligation to provide care for all Ontarians. Individuals, however, must have a choice as to how they want that care provided. They are taxpayers. What I believe would be necessary would be to have an all-inclusive system, but the ability of choice of the individuals in the system must be accommodated. So the public service, the tax dollars, the government funding, is, to me, the choice method.

M^me^ France Gélinas: Those are all my questions.

The Chair (Mrs. Julia Munro): That completes the time. We certainly appreciate you being before us.

Ms. Gemma Salamat: Thank you so much to the committee for having me here today. I wish you well.

1030

PAULETTE KENNEDY

Review of intended appointment, selected by official opposition party: Paulette Kennedy, intended appointee as member, Ontario Securities Commission.

The Chair (Mrs. Julia Munro): Our second interview is with Paulette Kennedy, intended appointee as member, Ontario Securities Commission. Ms. Kennedy, please come forward. Welcome to the committee. As you may be aware from the previous presenter, you have an opportunity to make a statement, and subsequent to that, we'll have questions from the members of the committee.

Ms. Paulette Kennedy: Thank you very much for the opportunity to appear before you today.

I would like to take a few minutes to give you an overview of my business experience and how I believe that the skills I have acquired, with over 30 years of financial management experience, can contribute to the challenging work ahead for the Ontario Securities Commission.

My career has included roles as chief financial officer, chief accountant and chief auditor. In these roles, I've been responsible for complex financial and regulatory reporting in Canadian generally accepted accounting principles, in US accepted accounting principles, and in international financial reporting standards.

In my roles, I've been responsible for the design, audit, review and management of internal control systems over financial reporting and over operations. As well, I've been responsible for the implementation of risk management, including the measurement of risk of investment products.

As a director in companies, I have gained experience in corporate governance and compliance in the financial services and mutual fund industries. As well, I've also gained experience in the public sector through my involvement with the University of Toronto. I am currently vice-chair of their audit committee and a member of their business board. I have worked effectively with regulators, including the office of the superintendent of financial institutions—OSFI—and the Financial Services Commission of Ontario—FSCO.

I believe my experience aligns nicely with several accountabilities of the Ontario Securities Commission. Demands of the investment community for innovative, complex products and demand for services, trading strategies and advice are areas that the OSC is currently tackling right now.

I have experience in the audit and oversight of financial product design and development, including investment mandates and product risk assessment. I have experience in the audit and oversight of financial product administration systems and security and mutual fund purchase, sale and ledger systems. As well, I have experience in the audit and oversight of the management of financial product sales and distribution activities. I have experience in implementing new, complex financial standards, including the CICA—Canadian Institute of Chartered Accountants—rules on financial instruments.

I appreciate the challenges and costs businesses face in responding to regulatory requirements and increased financial reporting demands. As well, through my experience in auditing and overviewing complaint management systems and reporting, I understand the challenges retail investors face in understanding complex financial products with risks associated with them. As well, I have supervised the implementation of senior management assessment over internal controls of financial reporting and disclosure, as currently contemplated by the OSC.

In summary, my experience matches the current needs of the commission, and I would very much like to share this expertise with the OSC by joining it as a commissioner. I hope you agree with me.

I would be pleased to answer any questions that you have.

The Chair (Mrs. Julia Munro): We'll begin with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: It's so refreshing to find someone in this committee who's so thoroughly well-equipped to take on the position for which she is intended to be appointed.

The only concern I have is not with you; it's with the fact that the Ontario Securities Commission is very heavily Toronto-based in terms of its membership. That doesn't have anything to do with you.

On that note, I just want to wish you well and let you know that the official opposition will be supporting your candidacy.

The Chair (Mrs. Julia Munro): Madame Gélinas.

M^me^ France Gélinas: I, too, find that the commission is very Toronto-centric. I come from northern Ontario. I see that you live in Toronto, but I would be interested in your knowledge of northern Ontario, if there is any.

Ms. Paulette Kennedy: Apart from as a vacationer, no, I don't have a great deal of knowledge of northern Ontario.

M^me^ France Gélinas: As I say, that's nothing you can help. It's refreshing to see a woman in your position, and certainly your qualifications are really impressive.

Ms. Paulette Kennedy: Thank you very much.

M^me^ France Gélinas: You're welcome.

The Chair (Mrs. Julia Munro): We'll move to the government.

Mrs. Maria Van Bommel: Again, thank you very much for appearing before the committee. I appreciate all the work you've done.

Ms. Paulette Kennedy: Thank you.

The Chair (Mrs. Julia Munro): I think we've exhausted the questions. Thank you very much for appearing here today. We appreciate you coming.

Ms. Paulette Kennedy: Thank you very much for the opportunity.

MARY-ELLEN MCKENNA

Review of intended appointment, selected by official opposition party: Mary-Ellen McKenna as member, Board of Directors of Drugless Therapy.

The Chair (Mrs. Julia Munro): Our next appointment, then, is Mary-Ellen McKenna, the intended appointee for the Board of Directors of Drugless Therapy. Good morning, Ms. McKenna, and welcome to the committee.

Ms. Mary-Ellen McKenna: Good morning, everyone.

The Chair (Mrs. Julia Munro): As you will have observed, you have the opportunity to make some comments and then we will begin our round of questioning, starting with the third party.

Ms. Mary-Ellen McKenna: Thank you and good morning, everyone. Madam Chair, members of the committee, I would like to thank you for this opportunity to appear before you today and for considering me for this appointment.

I am a doctor of naturopathic medicine. I have been in practice since 1994. I started practising in Toronto as an associate in an established practice, and in 1995 I decided to move out of Toronto, into Port Hope, and open my own practice there at the time. I continue to live and work in Port Hope.

I was a member of the board for the Ontario Association of Naturopathic Doctors from approximately 1995 to 1997. At that time, our profession was beginning to grow; it was a very exciting time to be part of that board as a representative of our members and to promote our profession. I enjoyed my time on the board, but chose to leave when my term was up as I felt I needed to focus my time and energy on my growing practice. I didn't want to shortchange the board or the association by not giving it the attention I felt it required at the time.

Since May 2006, I have been a member of the complaints review committee of the board of directors (naturopathy). I believe I have performed my responsibilities on that committee with fairness and an open-mindedness, such that all parties were fairly and equally considered in the process.

I have also been involved in the profession in a teaching capacity at the Canadian College of Naturopathic Medicine. I taught a hydrotherapy course for four years, as well as supervising in the on-site clinic. This clinic is where the fourth-year naturopathic students do a one-year internship. I found supervising a very rewarding experience as I saw the students learn and grow in their skills, but mostly as they saw first-hand the effectiveness of naturopathic medicine and the satisfaction of helping people regain their health.

One of the qualities that I believe I will bring to this board is a strong sense of responsibility. If I say I will do something, I will do it. I grew up in a family where considering the other person and their perspective was very important. Part of that was being responsible to that other person and keeping your word. This is a value I continue to carry today.

One other quality I bring to the table is the ability to be a good listener. As a naturopathic doctor, it is vital that I listen to and that I hear what my patients have to say. I believe part of the healing process begins when the person is allowed to tell their story and feels that what they have to say is important and has been heard. To that end, when on a board, it is vital to listen to the other members, since all opinions are of value.

As a naturopathic doctor, one of the things I do every day is take a variety of information—symptoms the patient reports, the blood test, other test results they may have, results I find on physical examination—and put those pieces all together in a comprehensive way, in a holistic way, in order to come to a naturopathic diagnosis and determine some course of treatment appropriate to that individual. Also, that treatment plan must continually be evaluated and adjusted when indicated. Working on the board will require this ability to assimilate and make sense of a variety of information and issues. I look forward to this opportunity and challenge.

My practice in Port Hope is a one-woman operation, in that I run the office and all that entails, as well as, of course, naturopathic responsibilities. I am able to do all these duties because I am able to keep myself organized and prioritize as to what needs to be done on what particular day.

I would just like to add that it would be hopeful on my part to feel that—the person before me had a very quick and easy pass through this committee. I don't know that I will enjoy a similar privilege, but I'm happy to answer any questions you have today.

1040

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Madame Gélinas.

M^me^ France Gélinas: Good morning, Ms. McKenna. Welcome to Queen's Park. I just wanted to let you know that I'm a physiotherapist by profession and I really admire the work of naturopathic doctors, so you are in safe territory with me.

Ms. Mary-Ellen McKenna: Thank you.

M^me^ France Gélinas: I know that the entire area around the scope of practice for your profession has been an area of concern for some of your members, some of the practising doctors, and I was wondering if I could have your opinion on that.

Ms. Mary-Ellen McKenna: Actually, we've made great strides, in that we are about to be included in the Regulated Health Professions Act. As we were practising under the Drugless Practitioners Act, our scope was very vague and very broad and not very well defined. But going through this process of being included in the RHPA, our scope has now been very well defined under consultation with the profession and with other professions that have a stake in what our scope is. I believe that as a profession we are happy with it, and certainly personally I'm very happy with how they have defined our scope of practice.

M^me^ France Gélinas: I realize that you and most of your colleagues are not funded through the government to provide your services. The exception to this is that are a few naturopathic doctors who practise in community health centres where their services will be paid for through the budget of the community health centre. Aside from this, I think most of your colleagues have to bill their clients directly. Do you have an opinion on that?

Ms. Mary-Ellen McKenna: It's true they all pay out of their own pocket; however, in my 13 years of practice—when I started practising, many people did not have any naturopathic coverage through their health benefits at work. Now I would say definitely the majority of my patients coming in have benefits through their work. There's more and more coverage through the insurance companies, which is definitely beneficial. I do feel for the people who cannot afford it. I do have people who call me, and if they have a concern about the cost, I will tell them, "If you really need to come in and see me, we'll discuss the cost." However, I find that for 99% of the people who contact me, that is not an issue. Perhaps people don't contact me because it is an issue and they never even bother to call me because they can't afford it.

I can extend that question and say, would we be covered under OHIP? That's a huge question. I know it has been discussed within the profession and there are pros and cons to that, and I don't even think that's on the board. Unfortunately, because it's not under OHIP, many people cannot avail themselves of our practices. So that is unfortunate.

M^me^ France Gélinas: I can tell you that from the NDP point of view, the service that you provide to the community is a service that we see as essential and it's a service that we would like to see covered by medicare so that the people who do not call you because they know they haven't got the money also have access to the essential services that you bring to our health care system.

Thank you for coming. Those were my questions.

The Chair (Mrs. Julia Munro): Mr. Ramsay.

Mr. David Ramsay: Ms. McKenna, welcome to our committee. I'm a big believer, personally, in what you do and feel we need to expand our exploration of what I guess some people would say are alternative medical philosophies. I think we're starting to do that as a government, and I really welcome that.

The focus of the health care system up until now, of course, has primarily been the treatment of disease. I think we need to have more emphasis—and I see our government moving in this direction—on starting to concentrate on keeping people well. I wish that people would see health care practitioners when they're well and not wait until they are sick, to sit down with somebody like you or their MD and talk about wellness. I think what we're trying to do with our family health teams and supporting other philosophies of medical care is to really put a focus on that.

I'd be interested to hear your philosophy about that, because I think what I need to do as an individual is to work with a professional like you, or others of my choice, as a team to see how I could stay well so that I don't have to enter the system, hopefully, to be treated for disease.

Ms. Mary-Ellen McKenna: I agree with you 100%. We do have disease care; we don't have health care within the OHIP system. It always makes me think of the traditional Chinese medicine model. Thousands of years ago, the tradition was that you paid your doctor when you were well, not when you were ill, because his or her job was to help you stay healthy. So if you weren't healthy, then you weren't going to pay them, because they weren't getting the results they were looking for. We wouldn't make it that way in the world today, in Ontario certainly.

You're right: Many people, when they come into my office, have been through their medical doctor and they haven't found satisfaction. They've come to a naturopath well after the disease has set in, or whatever condition their concern is. This is my analogy when I speak to people about prevention. I say, "Our houses we do maintenance on. We make sure the roof doesn't leak before it leaks. We take the car and hopefully we get regular oil changes." That's what we do. We do maintenance. We do prevention. We don't do that with our bodies. We wait until they get sick. We can buy a new house, we can buy a new car. We cannot buy a new body. But we were not brought up that way. We were brought up to wait until something happens and then deal with it. So that is the mindset, but I do believe it is slowly changing, that people are realizing the value of just taking some basic vitamins every day.

Should we be included in OHIP? Certainly naturopathic care would save the government huge amounts of money, because we are prevention, because our natural therapies are very cost-effective. So there are many, many ways. However, I think the health care system at this point is just putting out fires. There are so many crises to deal with and, naturopathically, if somebody comes in and there are some major symptoms we have to deal with, we can deal with those. One of the principles of naturopathic medicine is, "Let's get down to the root cause here." Let's not just put out fires. Let's not just make that symptom go away. Where did that symptom come from in the first place? That's what we're trying to do, and that's part of prevention.

The other thing I say is, "What I do with my car is that I hear a noise and I pretend it's not there and maybe it'll go away." With the human body, because it has the ability to self-heal, oftentimes it does go away, which it doesn't with the car usually. Then, of course, it gets louder and then I finally have to deal with it and it costs me way more than if I had dealt with it in the first place. So if we dealt with the symptoms as the body speaks to us, when it is whispering to us, we can deal with it much more efficiently and effectively than if we wait until we have the heart attack, the cancer or whatever it may be. So I agree.

Mr. David Ramsay: Thank you very much.

Ms. Lisa MacLeod: Thank you very much, Ms. McKenna. It is rare that in this committee we have two such qualified people follow one another, and I just want to welcome you to committee today. I thought your deputation was very fascinating, and not until you've actually hit that crisis in your own family and the traditional medicine doesn't work do you really look toward naturopathy and drugless therapy. I had that experience in my own life in the last year with a family member. So I just want to congratulate you.

The only question I have for you is: You are so busy; do you have a lot of time for this new position?

Ms. Mary-Ellen McKenna: I do. I choose not to have a full-time practice because I'm the type of person who needs balance. I have chosen not to have a full-time practice, and my daughter is of an age where she doesn't need as much of my attention. My husband works out of the house, so I certainly have support at home should I need to spend extra time with the board. So, no; I've considered that and I definitely have time to devote to it.

Ms. Lisa MacLeod: I wish you much success. The official opposition will be supporting your candidacy.

Ms. Mary-Ellen McKenna: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. You have obviously provided the committee with lots to think about. Thank you for coming here today.

Committee members, I do not believe we have our fourth intended appointee with us at this point, so what I am proposing, then, is that we recess. Since the time is 11:30, I think we should recess to 11:25 to be sure that we can complete that on schedule.

The committee recessed from 1050 to 1127.

MARY CONDON

Review of intended appointment, selected by official opposition party: Mary Condon as member, Ontario Securities Commission.

The Chair (Mrs. Julia Munro): Good morning. We're going to continue with the meeting of the standing committee on government agencies.

The item on our agenda is the fourth and final interview for today with Mary Condon, the intended appointee as member, Ontario Securities Commission. Ms. Condon, please come forward. Good morning and welcome to the committee. You have the opportunity to make some remarks, and then we will entertain questions from the various members of the committee. Each party has up to 10 minutes, and your time will be deducted from the government members' time. Welcome, and please begin.

Ms. Mary Condon: Thank you for inviting me to come today. I apologize that I didn't get here a few minutes earlier so that you could complete the business of the committee in a more timely fashion.

I might just take a minute or two to highlight what could be seen as my qualifications to undertake this position as a part-time commissioner with the Ontario Securities Commission. I have been teaching at Osgoode Hall Law School for 15 years, over 10 of which—I think 12—have involved teaching in the area of securities law specifically. I've been teaching future securities lawyers who will work in the field. I also have an active research agenda in the area. I've collaborated on books, written articles and also researched policy papers for a number of public and private policy-making groups.

In fact, even before I had my position at Osgoode Hall Law School, I was a student of Ontario securities law. I did my doctoral degree at the faculty of law at the University of Toronto, and the subject on which I wrote my dissertation was a history of policy-making and decision-making at the Ontario Securities Commission over a 30-year period, starting in 1945, so I feel like I have a relatively well-established view of the trajectory of policy-making in securities in Ontario.

More recently, I've been interested in how other jurisdictions are making policy and conducting regulation in the securities area, and I hope to bring that perspective to bear, especially the perspective from the US, but also the UK with the development of the Financial Services Authority there and some of their approaches to securities regulation.

I have served in a volunteer capacity on a couple of advisory committees of the securities commission. One is the continuous disclosure advisory committee that meets for a morning four times a year and brings in a number of different stakeholders within the securities area to advise the corporate finance staff of the committee on current policy initiatives. The other one is the enforcement advisory committee. That's a more recent appointment, since last year; it's only met twice.

The final point that I'd make is that in terms of governance, because part of the role of the commission level of the securities commission is to be, if you like, the board of directors for the organization as a whole, I do have some governance experience through serving as a member of the board of trustees of the York University pension fund. I have just been reappointed to a second three-year term as a trustee of the fund.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with government members.

Mrs. Maria Van Bommel: Thank you, Ms. Condon, for appearing before the committee. We have no questions or comments.

Ms. Lisa MacLeod: Thank you very much, Ms. Condon. The official opposition will be supporting your candidacy. I wish you well. The only point I'm going to make is one I made earlier with respect to the Ontario Securities Commission and I'm hoping the government will listen. It is too Toronto-centric and we must consider a way, as the Legislative Assembly, to make sure that we have representation from elsewhere in the province. But I wish you much success, and thank you for your appearance today.

M^me^ France Gélinas: My questions are along the same line as my colleague's. You have lived and worked most of your life in and around the GTA. I'm just curious to know if you have any knowledge of northern Ontario.

Ms. Mary Condon: Certainly, one of the important issues that comes from northern Ontario about securities regulation—and here I go back to my knowledge of the history—is that the entire reasoning for developing the securities commission in the first place in 1945 was because of the need to support and facilitate the development of the mining industry. That continues to be a really important centre of activity. Many significant reporting issues in Ontario are from that sector. It's still an important area of commission activity and policy-making.

The other thing that I would point to is that insofar as the securities commission has the mandate to protect retail investors, I think it's also extremely important to remember that those retail investors can come from anywhere in the province, and they may just as well be people who live and work in areas outside of Toronto as well as inside. It may need to be considered in terms of the financial literacy-type information that is available to them about things they should think about when they invest in different products and so on.

M^me^ France Gélinas: Thank you. That was my question.

The Chair (Mrs. Julia Munro): I appreciate you coming here this morning. Thank you very much for your participation.

Ms. Mary Condon: Thank you.

The Chair (Mrs. Julia Munro): Committee members, we will now deal with concurrences. The first one that we will consider is the intended appointment of Gemma Salamat, intended appointee as member, Council of the College of Midwives of Ontario.

Mrs. Maria Van Bommel: I move concurrence of the appointment of Gemma Salamat.

The Chair (Mrs. Julia Munro): Concurrence in this appointment has been moved by Mrs. Van Bommel. Any discussion?

Mr. Kevin Daniel Flynn: Could we have a recorded vote on that, Madam Chair, please?

The Chair (Mrs. Julia Munro): Certainly. Any discussion? If not, all in favour?

Ayes

Brown, Flynn, Gélinas, Hillier, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): Thank you.

We will now consider the intended appointment of Paulette Kennedy, the intended appointee as member, Ontario Securities Commission.

Mrs. Maria Van Bommel: I move concurrence of the appointment of Paulette Kennedy.

The Chair (Mrs. Julia Munro): Concurrence has been moved by Mrs. Van Bommel. Any discussion? Seeing none, all those in favour? The motion is carried.

We will now consider the intended appointment of Mary-Ellen McKenna, intended appointee as member, the Board of Directors of Drugless Therapy.

Mrs. Maria Van Bommel: I move concurrence of the appointment of Mary-Ellen McKenna.

The Chair (Mrs. Julia Munro): Concurrence has been moved by Mrs. Van Bommel. Any discussion? Seeing none, all those in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Mary Condon, intended appointee as member, Ontario Securities Commission.

Mrs. Maria Van Bommel: I move concurrence of the appointment of Mary Condon.

The Chair (Mrs. Julia Munro): Concurrence has been moved by Mrs. Van Bommel. Any discussion? Seeing none, all those in favour? Opposed? The motion is carried.

This concludes the business on intended appointments but, members of the committee, I would draw your attention to the memo that you have received just to ensure that everyone has this and will take it under advisement. It's not an item for discussion at this time, but I simply want to bring it to your attention and ask you to consider it.

This committee stands adjourned.

The committee adjourned at 1137.

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Wednesday 16 April 2008

Journal des débats (Hansard)

Mercredi 16 avril 2008

Standing committee on government agencies

Intended appointments

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 16 April 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 16 avril 2008

The committee met at 1002 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Good morning, and welcome to the standing committee on government agencies. We're going to begin our agenda this morning with the report of the subcommittee on committee business dated Thursday, April 10.

Mrs. Maria Van Bommel: I would move acceptance of the report of the subcommittee of April 10.

The Chair (Mrs. Julia Munro): Any discussion? All those in favour? Opposed? Thank you very much. That's carried.

INTENDED APPOINTMENTS

JESSE HAIDAR

Review of intended appointment, selected by official opposition party: Jesse Haidar, intended appointee as member, Council of the College of Respiratory Therapists of Ontario.

The Chair (Mrs. Julia Munro): We will now move on to the second section of this morning's agenda, beginning with appointments review, and the selection of Mr. Jesse Haidar. Would you come forward, please. Good morning. Welcome to the committee.

Mr. Jesse Haidar: Thank you for having me.

The Chair (Mrs. Julia Munro): We appreciate that you are able to be here today for the standing committee. I would just explain to you that you have a few minutes in which to make comments as you wish, and following that we will have questions from the members of the committee. When you're ready, please begin.

Mr. Jesse Haidar: I'm just going to say a few things about myself. I came to Canada when I was a teenager. I attended school here: I attended university and I attended college. Currently I hold a bachelor of arts in economics and business. I have a diploma from Fanshawe College in data processing, in computers. I took many law courses and many accounting courses.

I raised twin boys by myself as a single father, and presently I own a travel agency. I've owned this travel agency for the last five years. Before that, I used to be a manager of Radio Shack, involved mostly in computers, and I was a district manager with another computer company.

I have many years of experience dealing with the public, dealing with conflicts and dealing with customer complaints. To date, I'd say about 90% of the complaints that I've dealt with I've solved successfully. I'm looking forward to being appointed to the College of Respiratory Therapists, and I want to thank you for your time today.

That's about it. I'm ready for questions.

The Chair (Mrs. Julia Munro): This morning, we will begin with the official opposition.

Ms. Lisa MacLeod: Thank you very much for appearing here today. I admire your being able to raise twin boys on your own.

Mr. Jesse Haidar: Thank you.

Ms. Lisa MacLeod: It's a difficult thing when you have one three-year-old at home and both parents.

Questions will be short today from the official opposition. I guess they're looking for public input on this committee, and you don't necessarily have to have a background in respiratory therapy. Having said that, I want to ask you about your time commitments. Being a member of this council, you will be required to meet several times a year and participate in statutory committees. I'm just wondering if you believe that you'll be able to meet these timelines and meeting dates, because I do see that you are a single dad. You do own and operate a travel agency, and you are very active in your community. If you could just respond, that would be great.

Mr. Jesse Haidar: Right now, one of my kids is at McMaster University, and the other is in Sault Ste. Marie at Algoma U, so they're outside the house. They live in residency right now. I own my own business, as I said. I have people working in the agency. I have no issues coming down to Toronto and spending the time—the quality time, that is.

Ms. Lisa MacLeod: Well, good luck on the committee.

Mr. Jesse Haidar: Thank you.

M^me^ France Gélinas: Good morning, and welcome to Queen's Park. I just have a few questions. The first one is, what motivated you to select respiratory therapy?

Mr. Jesse Haidar: I went on the public website, and I actually applied to a few different boards. I applied to TICO, since I own a travel agency, and this is the same regulatory board that oversees all the affairs of travel agencies. Unfortunately, there wasn't anything.

I want to give back to the community. I ran for election a year and a half ago because I saw different things in my area that weren't done properly. I always like to

give back, help people, and that's basically why I want to be on the board, just to help people, to give back.

M^me^ France Gélinas: You said you ran for office. At what level did you run?

Mr. Jesse Haidar: A municipal election, ward 12 in London, Ontario.

M^me^ France Gélinas: I take it you've never sat on that kind of a college board or council?

Mr. Jesse Haidar: Not that kind of a college board. I'm sitting right now as a member of the ALM board, and I'm sitting on the Canadian Arab Society's board as the director of communications.

M^me^ France Gélinas: You know that the college looks after the therapists throughout the entire province, and they have some goals that they've set for themselves. Through the province, there are a number of their members who are francophone, and they have to offer services in French to their members. Do you have any abilities in French?

M. Jesse Haidar: Je parle le français un peu.

M^me^ France Gélinas: Ah, oui? Félicitations.

M. Jesse Haidar: Je comprends beaucoup.

M^me^ France Gélinas: Si je vous pose une question en français—

Mr. Jesse Haidar: No, now you're going too far. I was educated in French in Lebanon. As you know, Lebanon is a French colony, so up to about grade 10, before I came to Canada, most of my education was in French. When I came to Canada, I switched to English. I took a French course at Western. All I need is practice. If I practise it, I'll speak it fluently because I have the base for it.

M^me^ France Gélinas: I'm just curious to see, do you have any knowledge of the health care issues facing respiratory therapists in northern communities?

Mr. Jesse Haidar: To be honest with you, I really don't know that much about the problems they have up north right now, but I believe that everybody is entitled to have the best care that's available in Ontario.

M^me^ France Gélinas: Do you have any knowledge of the special requirements of the First Nations?

Mr. Jesse Haidar: No, I don't.

M^me^ France Gélinas: Those are my questions. Thank you

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The Chair (Mrs. Julia Munro): We'll go to the government.

Mrs. Maria Van Bommel: I also want to say thank you very much for coming in today, Mr. Haidar. How was the drive in from London?

Mr. Jesse Haidar: It was good. It was good yesterday.

Mrs. Maria Van Bommel: I'm happy to hear that. I have to move that way.

Mr. Jesse Haidar: No construction, no accidents on the 403.

Mrs. Maria Van Bommel: Good. No pigs running around?

Mr. Jesse Haidar: No.

Mrs. Maria Van Bommel: Excellent. I'm always happy to hear that.

Mr. Jesse Haidar: It was a nice day for it too.

Mrs. Maria Van Bommel: Thank you very much. I have no further questions.

The Chair (Mrs. Julia Munro): Thank you very much for coming here this morning. We appreciate the time you've taken to be here with us. That concludes this part of the process.

Mr. Jesse Haidar: Thank you for taking the time.

ANDY MOLINO

Review of intended appointment, selected by official opposition party: Andy Molino, intended appointee as member, Ontario Health Quality Council.

The Chair (Mrs. Julia Munro): Our next interview will be with Dr. Andy Molino. He is here as an intended appointee as member of the Ontario Health Quality Council.

Good morning and welcome to the committee. As you would know from our previous presenter, you have a few minutes in which to make comments as you wish, and then we'll have questions from the committee. Please begin.

Dr. Andy Molino: Thank you very much. I do have a very brief statement that I would like to make, but before I do that, I wanted to thank the committee for the privilege of appearing before you here this morning. I'm certain that you've received a copy of my resumé, but I thought I'd quickly run through it just to explain some of the various relevant work experiences I've had, to give you a better idea of who I am and how I might be able to help the council.

I was trained originally as a psychologist, and in fact, I did my post-doctoral work internship in clinical psychology through the Ontario Ministry of Health and Surrey Place Centre, which is just a couple of blocks away from here. It's hard for me to believe that that was nearly 35 years ago.

After my post-doc, I began my professional career as a clinical psychologist with the government of Ontario. My first job was as a ward psychologist at Brockville Psychiatric Hospital.

I spent about 13 years with the Ontario government, first with the Ministry of Health for quite a short period of time, and then with the Ministry of Community and Social Services. For most of those 13 years, I worked as a senior manager, administering either direct-operated services, such as schedule 1 inpatient facilities for the government, or coordinating the delivery of social services through transfer payment agencies, such as children's aid societies, general hospitals, homes for the aged, and so on. Most of those 13 years were spent in southeastern Ontario, first in Brockville, and then in Ottawa.

In 1986, my career took quite a dramatic shift, when I was recruited by the federal government into the Department of Consumer and Corporate Affairs. At that time, I was offered a position of director general, consumer standards and regulations. While in that position, I

was responsible for providing functional direction to three major divisions, with about 1,700 employees from coast to coast. Those divisions included product safety, consumer products, which regulated packaging and labelling, and legal metrology, which is now Measurement Canada.

Then, in 1988, I was recruited by another federal agency, the Natural Sciences and Engineering Research Council, also known as NSERC. It was, and still is, the largest Canadian research-granting council. At that time, back in 1988, NSERC was responsible for allocating over half a billion dollars in research grants and scholarships to Canadian researchers and graduate students. I went to NSERC to assume the position of director general, corporate systems and services, where I was responsible for overseeing all corporate services, including administration information services, human resources and finance, including oversight of the half billion dollars that was being spent by researchers.

After over 20 years in public service, working primarily in management positions, I found that my professional interests started to shift more towards organizational development, organizational theory and executive development. So, at the end of 1994, I left public service and co-founded a small consulting company in Ottawa. Over the last 14 years, my primary focus has been in the areas of executive and organizational assessment and development and change management. I do a fair amount of executive coaching myself and organizational consulting to both public and private sector organizations both large and small. The firm in which I am currently a senior partner has developed a number of programs to train managers, executives and executive coaches.

To date, I've had no involvement with the Ontario Health Quality Council. I was actually barely aware of the council until I was approached last fall by the current chairman, who asked me to consider sitting as a member of the board. Since then, I've tried to familiarize myself with the council, its mandate and its work, by reading whatever I could get my hands on about the council.

Looking back over the last 35 years or so, I believe that the various jobs I've had in both the public and private sectors have given me a certain amount of expertise in areas such as governance, accountability, public finance, human resource development and change management. I believe that these are some of the areas where I could be of some assistance to the council, and I would be honoured to serve as a member of its board. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll go to Ms. Gélinas of the NDP for questions to start.

M^me^ France Gélinas: Good morning. Thank you for coming. You said that you were approached to consider a position on the council. Besides being asked, what interests you about the Ontario Health Quality Council?

Dr. Andy Molino: Well, I think that when the chairman called me, his timing was impeccable. It had been about a month since I was out of hospital for surgery myself. I had just been through as a significant consumer of the health care system, so I think that the quality of health service in Ontario and Canada is really important. I felt that it could be a way of giving back, perhaps, a little bit, because I really felt that I was very fortunate in the way I was treated in the system.

M^me^ France Gélinas: Running your own business, I'm sure, means that you have to be available to do the coaching that you've explained to us. How do you see the time commitment for that committee?

Dr. Andy Molino: I don't think it will be a problem. Since I do run my own business, I have a certain amount of flexibility in terms of scheduling appointments and so on. I've been led to believe that there will be up to 10 meetings a year, plus some reading, preparatory work and so on. That shouldn't be a problem.

M^me^ France Gélinas: You know that the council serves the whole province, which means that they would be serving the francophone population. Do you have any ability in French?

D^r^ Andy Molino: Je parle français aussi, oui.

M^me^ France Gélinas: Vous parlez français ? Est-ce que vous parlez suffisamment pour que je vous pose une question ?

D^r^ Andy Molino: Je peux essayer une réponse.

M^me^ France Gélinas: Okay. On va en essayer une facile. Votre expérience est surtout dans le sud de la province. Est-ce que vous avez des connaissances des réalités du nord de la province ?

D^r^ Andy Molino: Non, pas du tout, malheureusement.

M^me^ France Gélinas: Et du côté des Premières Nations?

D^r^ Andy Molino: Non.

M^me^ France Gélinas: Okay. Those were my questions.

The Chair (Mrs. Julia Munro): All right. Thank you very much. We'll move on.

Mrs. Maria Van Bommel: Thank you, Chair, and thank you, Dr. Molino, for coming in today. It's certainly a trip from Ottawa, and I appreciate your being here. We have no further questions or comments.

Ms. Lisa MacLeod: I will just be making a few comments; then my colleague Mr. Hillier will be asking the questions.

Welcome. You're a resident of Nepean–Carleton. You're a—

Dr. Andy Molino: Of your riding.

Ms. Lisa MacLeod: You're a Barrhavenite, though. That's wonderful. So you come from good stock. I'll just quickly say congratulations for the work you're doing with St. Patrick's parish in Fallowfield. I know that you worked with Villa Marconi, which is a stand up organization in the city of Ottawa, as well as the Youth Services Bureau of Ottawa. I know that my friend Alex Munter's doing some great work there, and I appreciate the work that you've done for our community to make it a better place. So thank you, welcome, and good luck.

Dr. Andy Molino: Thank you, Ms. MacLeod.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here. Just a few questions.

You mentioned that you were approached by the chairman of the board for this position. Have you had any other discussions or interviews with people in the Ministry of Health regarding this appointment?

Dr. Andy Molino: The only contacts I've had were on Monday afternoon, when people from the ministry called to give me some advice in terms of how to prepare for this meeting.

Mr. Randy Hillier: Okay, but no interview or anything of that nature?

Dr. Andy Molino: No.

Mr. Randy Hillier: Are you active politically? Are you a member of any political party?

Dr. Andy Molino: I have a membership in the federal Liberal Party.

Mr. Randy Hillier: Do you also contribute to—

Dr. Andy Molino: No, I do not.

Mr. Randy Hillier: No contributions?

On health care: Health care is in the news quite often these days, and one of the roles of the health quality council is to monitor and report and improve health care. Have you any pre-set thoughts or ideas that you could share with the committee on your views on how to improve the delivery of health care?

Dr. Andy Molino: One of the things that really interested me when I was reading the various reports of the council—the point is stressed several times—is that in order to improve the system, you have to have good data; you have to have good information. That resonates with me, because in the work that we do when we work with executives and when we work with organizations, one of the tenets of organizational development or executive development is that you need to have good data. You need to have evidence-based information. If you want to improve, for example, as an executive, as an individual, self-awareness really is the first point. Unless you're self-aware, unless you have good data and good information, it's very hard for you to know what to work on. That part really resonates with me. It's one of the areas that I'll be very interested in getting involved in.

Mr. Randy Hillier: That's collecting the data, and of course, I agree 100%. If you don't have the knowledge, it's pretty hard to make an informed decision afterwards. As far as philosophically, are there any other thoughts that you'd share on how we can improve this conundrum that we have in health care?

Dr. Andy Molino: I'm not coming in with any preconceived notions. I think I'll wait and see how things go.

Mr. Randy Hillier: Okay. Those are all my questions. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much for being here with us today. We appreciate your coming forward.

Dr. Andy Molino: Thank you very much.

The Chair (Mrs. Julia Munro): The next point on our agenda will be with concurrences. We will now consider the intended appointment of Jesse Haidar, intended appointee as member, Council of the College of Respiratory Therapists of Ontario.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Jesse Haidar.

Mrs. Liz Sandals: Recorded vote, please.

The Chair (Mrs. Julia Munro): Yes. Any discussion?

Ayes

Brown, Flynn, Gélinas, Hillier, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Andy Molino, intended appointee as member, Ontario Health Quality Council.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Dr. Andy Molino.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour?

Mrs. Liz Sandals: Recorded vote, please.

Ayes

Brown, Flynn, Gélinas, Hillier, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried. That concludes—

Mr. Michael A. Brown: You didn't ask for opposed.

The Chair (Mrs. Julia Munro): I saw it was unanimous; I'm sorry. Opposed? The motion is carried.

That concludes our business on intended appointments. Thank you very much.

The committee adjourned at 1022.

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Wednesday 30 April 2008

Journal des débats (Hansard)

Mercredi 30 avril 2008

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Intended appointments

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 30 April 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 30 avril 2008

The committee met at 1003 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Julia Munro): Good morning, and welcome to the Standing Committee on Government Agencies. We have a number of things on our agenda this morning. We'll begin with the report of the subcommittee on committee business dated April 17.

Mrs. Maria Van Bommel: I move approval of the report of the subcommittee on committee business dated Thursday, April 17, 2008.

The Chair (Mrs. Julia Munro): Any discussion?

All those in favour? Opposed? Carried.

The second report of the subcommittee on committee business, dated Thursday, April 24.

Mrs. Maria Van Bommel: I move approval of the report of the subcommittee on committee business dated Thursday, April 24, 2008.

The Chair (Mrs. Julia Munro): Any discussion?

Seeing none, all those in favour? Opposed? Carried.

INTENDED APPOINTMENTS

GERRY MCNEILLY

Review of intended appointment, selected by official opposition party: Gerry McNeilly, intended appointee as director, Office of the Independent Police Review Director.

The Chair (Mrs. Julia Munro): We will now move to appointments reviews. Our first interview this morning is with Gerry McNeilly, intended appointee as director, Office of the Independent Police Review Director.

Good morning, Mr. McNeilly, and welcome to the committee.

Mr. Gerry McNeilly: Good morning, Madam Chair.

The Chair (Mrs. Julia Munro): As you may be aware, you have the opportunity to make an initial statement, and subsequent to that we will have questions from members of the committee. We will begin our questioning this morning with government party members. Please feel free to go ahead.

Mr. Gerry McNeilly: Thank you, Madam Chair. I very much appreciate the opportunity to be here this morning to discuss my qualifications for intended appointment to the Office of the Independent Police Review Director.

I believe you have been provided with a copy of my curriculum vitae and my background information. I would now like to tell you a little bit about myself, including my work background, and I would like to start with what I call a real Canadian story.

I was born in Trinidad, grew up in Toronto, attended Jarvis Collegiate and then commenced working with the Ministry of the Attorney General of Ontario as a civil servant. I worked in a number of different capacities in that ministry. I then went to university and obtained my bachelor's degree and also a certificate in business management. I then worked for a number of years, still within the Ministry of the Attorney General as a civil servant. I became a justice of the peace. I then decided to go to law school, and graduated with my law degree. Subsequent to that, I was appointed as an adjudicator and the chair of the Human Rights Tribunal of Ontario.

This story, in my opinion, not only tells about how I got here, but illustrates that at different times I took up challenges and successfully conquered those challenges. This, in my opinion, makes me ultimately capable of doing the job of the Independent Police Review Director.

To give you a little more information about my background, I have recently been the executive director/CEO of Legal Aid Manitoba, an arm's-length agency of government established to provide legal advice and representation to poor people regarding family, child protection, criminal and young offender matters. In this role, I have participated in and directed the establishment of clear procedures and goals, a strategic and business plan, a computer system run on Linux open software, as well as innovative processes and procedures using a mix of staff lawyers and private bar lawyers. In addition, this position obviously calls for ongoing liaison with government, judges, prosecutors, police, lawyers and numerous stakeholders in the justice system.

Prior to Legal Aid Manitoba, as I've already indicated, I was chair of the Ontario Human Rights Tribunal, as it was then called, and an adjudicator regarding human rights complaints in accordance with the Human Rights Code of Ontario. In 1994, I was given the responsibility of establishing that tribunal as a full standing schedule 3 statutory tribunal from the ad hoc process that was in place at that time. In this regard it was necessary, as the job with the Independent Police Review Director will

require, to create rules, procedures, policies and an infrastructure for operating an effective and efficient organization. I was also involved in the hiring of staff, both administrative and adjudicative. I directed the introduction of mediation into human rights adjudication, and provided the training, as I'm a mediator who has been trained to provide training and facilitation.

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Prior to these two experiences, I worked with the Ontario Ministry of the Attorney General for over 20 years in different capacities. To highlight a couple of those, I was involved in the establishment of the Unified Family Court of Ontario—the very first in Canada—and the mediation component of it. I also assisted in the expansion of the Unified Family Court throughout Ontario and throughout Canada.

I was appointed as a sitting justice of the peace and acted in that capacity for over 15 years, conducting hearings of all types, issuing process and authorizing search warrants, all the while interacting on a daily basis with crown attorneys and police officers.

After law school and prior to being chair of the human rights tribunal, I was appointed deputy judge of the Ontario Superior Court of Justice, Small Claims Court division. In addition, during this extended period as a civil servant, I participated on many working committees involving criminal and family justice issues and other policy and strategic matters. Many of these committees, including committees dealing with domestic violence and young offender matters, involved members from different communities, as well as the police community.

During my entire career, I have been exposed to issues of concern for both the public and the police. I believe that my strong public service background and my interest in serving the public by making things fairer, more transparent, more efficient and more effective bode well and make me a strong and excellent, well-rounded candidate for the position of Independent Police Review Director.

In a nutshell, I want to emphasize that the Independent Police Review Director is new and will be created from scratch. In this regard, I have extensive experience in creating and operating new organizations—I have already given you an example of that—including my employment with Legal Aid Manitoba, where I was hired specifically to revamp a 25-year-old organization that had become somewhat stagnant. I have done that. While in Winnipeg, I also established A Woman's Place, which is a clinic devoted to providing social and legal services to women experiencing domestic abuse.

This position, in my opinion, calls for someone to have qualities that emphasize fairness, objectivity and independence. I possess all of these qualities. I'm independent, and that is shown from the journey I have taken in my life and in the positions of importance I have held. I'm objective, in that many of the roles I've had include providing adjudication in a very transparent, fair and compassionate manner. My open-mindedness allows me to be fair and to ensure that every matter is treated, dealt with and assessed on its own merits.

As Justice LeSage indicated in his report recommending creation of the IPRD, the agency needs to be independent and transparent, while at the same time being fair in carrying out a police review system that has the confidence and respect of both the public and the police. My experience, skills and knowledge situate me in a good position to meet these crucial and important principles in the report and in the legislation that followed.

I can advise you that in preparation for today I reviewed Mr. Justice LeSage's report, and I reviewed Bill 103 and the background documents. I fully support and endorse the recommendations to create an independent police review system led by an independent individual with abilities to employ investigative, meditative and adjudicative powers in dealing with and resolving public complaints with the police.

I wish to emphasize that this role and this organization are extremely important to Ontario, because when you have an institution with public trust, like the police, there needs to be accountability and transparency, and Bill 103 gives us that. Nothing is more important in a civil society than maintaining public confidence in the police. We have that in abundance. A Canadian survey conducted in 2000 indicated that more than 80% of the public has confidence in the police. I believe that, and this is something I share with the Canadian public.

Many different parts of the community, police services and organizations have gone on record supporting the recommendations of Mr. Justice LeSage. I support those recommendations and I intend to use Mr. Justice LeSage's report and recommendations as the guiding light in the establishment of this office. I intend to ensure that the important principles espoused in the report and in the act are implemented and carried out specifically to create a police review system in Ontario that is independent, transparent and fair, and that has the confidence and respect of the public and the police. I will do this while ensuring that there is no interference with the good work done by Ontario's police services in keeping our communities safe. I intend to carry out my duties by employing a consultative approach with members of different communities, rural and urban, and police services, rural and urban.

Finally, I will be proceeding to establish very clear objectives, policies and procedures in a review system that is accessible, that communicates simply and effectively, and also one that acts in a timely manner while ensuring that there is room for consensus building and that results are indeed measurable.

Bill 103 contemplates, and I intend to entrench, an independent and transparent police review system that is equitable, that is effective, and that has the confidence, as I've already indicated, of both the public and the police.

I look forward, if appointed, to serving the people of Ontario in the capacity of independent police review director.

The Chair (Mrs. Julia Munro): Thank you very much. I would ask for just a quick comment, from the government, because we did expend the time.

Mrs. Maria Van Bommel: That's fine, Chair. I just want to say thank you very much, Mr. McNeilly. I did have a question, but you answered it in your very thorough presentation, so thank you.

Mr. Gerry McNeilly: Thank you.

The Chair (Mrs. Julia Munro): Mrs. Savoline.

Mrs. Joyce Savoline: I enjoyed reading your resumé, Mr. McNeilly; it is very impressive. I'm wondering, how did you come to hear about this appointment? Did anybody approach you?

Mr. Gerry McNeilly: No. I saw it in the Globe and Mail and also in the Ontario Weekly Reports, the lawyers' report that we get weekly.

Mrs. Joyce Savoline: Okay. You explained to a degree why you're interested in this position. Could you expand on that for me, please?

Mr. Gerry McNeilly: Yes. All my life, I have taken up challenges. I was brought up in a family of 12 kids from mixed parentage, and they made it very clear to us that you had to make your own way in this world, that you had to work hard and never hide from challenges. This is a challenge, and I want to be able to make this challenge work. Ontario needs this, and I want to be part of that.

Mrs. Joyce Savoline: I'll focus on Ontario now, because I notice that your home address, your business address and your position are all in Manitoba, in Winnipeg. How do you propose to handle this position and that one too?

Mr. Gerry McNeilly: That position will be given up. I am moving back home. My two daughters here are ecstatic. One of my daughters said to me when I was leaving to take up this challenge in Manitoba, "Dad, kids leave home, not the parent." So I'm back.

Mrs. Joyce Savoline: Well, welcome back. What do you see that your responsibilities would be as the director of this newly formed agency?

Mr. Gerry McNeilly: As I've indicated, I will follow the tenor of Mr. Justice LeSage's report. That is a very thorough, well-written report. I will follow it by being consultative. I will probably duplicate some of the work he has done in that I intend to meet with the communities he met and consulted with, and I intend to meet with the police services that he met and consulted with. So, firstly, I will do a great amount of consultation to get views, to get feedback, and to have input into the creation of this office.

Mrs. Joyce Savoline: I notice that you've referenced him in your comments and also he is one of your references. Could you tell me what your relationship is with the justice, please?

Mr. Gerry McNeilly: Justice LeSage worked as a judge in the Unified Family Court of Ontario, and I encountered him in many different areas in that capacity. He was always a judge, and I was always a civil servant trying to carry out the wishes of the judges.

Mrs. Joyce Savoline: My last question to you right now would be, what would you see as the most obvious need as you take on this position?

Mr. Gerry McNeilly: The most obvious need, to me, will be making sure there is total acceptance by the police services, so I need them to be onside, and making sure that there's acceptance by the general public, so I need them to be onside. If I could conquer those two needs, then I think that this office will be an excellent, efficient, effective office.

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Mrs. Joyce Savoline: Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much. Madam Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park, Mr. McNeilly. My name is France Gélinas, and I'm the MPP from Nickel Belt in northern Ontario. I would be interested in having you share with us your knowledge of northern Ontario and the dealings you've had with the residents of northern Ontario.

Mr. Gerry McNeilly: I don't have any specific dealings with northern Ontario. I can tell you that I'm familiar with the issues facing the people in northern Ontario. They are similar to the issues I've been dealing with in Manitoba, outside of Winnipeg. The issues are the same. I meet with a group of legal aid people across the country, and when we talk about rural issues, northern issues and issues affecting aboriginal peoples, they are all the same.

I also know from working with the Ministry of the Attorney General for all those many years that we've always had difficulties in providing equal services to the north; hence my comments when I said I want to ensure that the rural areas get the same treatment as the urban areas. I mean that. I mean to get out to the rural areas. I mean to get feedback from the rural areas, because the issues are no different.

M^me^ France Gélinas: There is a large constituency in my riding whose mother tongue is French. I was just wondering if you have any ability in French to make your consultation with those communities.

Mr. Gerry McNeilly: Regrettably, no. Je parle un peu le français. Je comprends beaucoup.

I should know more, because my first spouse was from Rimouski, Quebec. We only spoke French. Then we had children, and one of us spoke French and one of us spoke English. I was the unlucky one to speak English. I've lost my French to a great extent, but that doesn't mean I do not try to communicate in French. Both of my daughters, I must say, are bilingual, thankfully.

M^me^ France Gélinas: In northern Ontario, francophone and aboriginal people are racialized and minoritized and overrepresented throughout the justice system, being the number of convictions, number of aboriginal kids in jail etc. Would you share with us your views about those two particular racialized and minoritized groups?

Mr. Gerry McNeilly: The issues that those minority groups and racialized groups face are issues that I think one can say repeat themselves in different parts of the province. It's probably more acute up there, and it's sad. That's why I said in my comments that we have to reach

out more to the rural areas, to the aboriginal population, to try to bring better services. I think if we look at remedial issues, as opposed to punitive issues, we may be moving further ahead, but that's something that we'll have to wrestle with for, I believe, still a long time, regrettably.

M^me^ France Gélinas: Thank you for your answers.

The Chair (Mrs. Julia Munro): Thank you very much for being here with us this morning. That concludes this part of the presentation.

Mr. Gerry McNeilly: Thank you.

JORDAN BITOVE

Review of intended appointment, selected by official opposition party: Jordan Bitove, intended appointee as member, University of Western Ontario board of governors.

The Chair (Mrs. Julia Munro): Our second interview today is with Jordan Bitove as the intended appointee as member of the University of Western Ontario board of governors. Mr. Bitove, please come forward.

Good morning and welcome to the committee. As you would know from your observation, you have an opportunity to make some comments, and then we'll have questions from the members. Please begin.

Mr. Jordan Bitove: Thank you. Good morning. It is my privilege to be here before all of you. It would be my honour to be considered for the board of governors of the University of Western Ontario.

Just to give you a little bit of background, my family has a very strong connection to the university. Eight of us have attended and graduated from the University of Western Ontario. In the early 1990s, my siblings and I made a significant contribution to the university to honour our parents. We're very proud that that contribution exists to this day in the form of the law library, which is titled the John and Dotsa Bitove Family Law Library at the University of Western Ontario.

I graduated from the University of Western Ontario in 1997. I'd like to think that I have contributed in a very significant way to the university in a number of aspects. In second year, while I attended, I was one of the founding fathers of a fraternity at the University of Western Ontario. The following year, I was elected to the board of the university students' council, where I served as the vice-president of operations. I also served an interim role as the senate appointee from the students' council.

My involvement has continued to this very day. I presently sit on the president's council committee that the president, Dr. Paul Davenport, heads up. We meet annually and go through a number of issues, predominantly on a fundraising aspect.

I'd like to believe that I can make a significant contribution to the university. I sit on a number of private and charitable boards and I'd like to believe that I have served them all well; any that I've been involved with, I have contributed to in a major way. I think I also have a fairly significant understanding of governance. That certainly is a benefit. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin, then, with the official opposition.

Ms. Lisa MacLeod: Not too many questions. I just want to wish you the best of luck and would like to find out, briefly, why you think this appointment is for you, other than what you've described. I was also wondering how you came to hear about the appointment. I noticed that one of our former cabinet ministers in this place is a reference for you. I'm just wondering if that was how that came to be. After that, I have no more questions. Perhaps my colleague from Burlington does.

Mr. Jordan Bitove: Sure. Thank you. Again, being very involved with the school over the years, I've had the privilege of being able to get involved in a number of initiatives. I think one of the things I've definitely demonstrated to the president, Dr. Davenport, and to the board is that I've been able to have some impact. We meet routinely when they come into Toronto and we discuss a number of ways to engage alumni and other things.

Back in November, Dr. Davenport, Ted Garrard and Michelle Noble, who was the acting chair of the university, approached me and asked me if I would be interested in taking on a role as a board governor. That's really how the whole thing began. I was surprised to learn that it was the Lieutenant Governor's appointment. Again, I'm honoured that it is that role. That's how.

Ms. Lisa MacLeod: Excellent. Congratulations. I wish you the best of luck.

Mr. Jordan Bitove: Thank you.

The Chair (Mrs. Julia Munro): Mrs. Savoline, do you have any questions?

Mrs. Joyce Savoline: Yes, just one, as education critic. At present there's a really high enrolment for post-secondary. I know that universities have a huge concern about funding for their schools. Could you comment on funding for post-secondary education, please—the lack of?

Mr. Jordan Bitove: There certainly is a lack of. Western, as you may or may not know, has a 27- to-1 student-to-faculty ratio, which is the worst in the country. My intention would be to learn as much as I can in a short period of time. I understand the inner workings of it. I think that's another area where I've contributed in a significant way. Western has been looking for private funding to assist the school in looking for alternative ways to do that and engage. But it certainly is an issue that's near and dear to my heart and one that I intend to get very involved in.

Mrs. Joyce Savoline: Thank you. I wish you good luck.

Mr. Jordan Bitove: Thank you.

The Chair (Mrs. Julia Munro): Madam Gélinas.

M^me^ France Gélinas: Thank you. Welcome. It certainly is very impressive to see candidates like yourself, who are so involved with the university. I wish every university had the chance to have citizens like you who

basically put their efforts into making the university a better place. Do you realize that, as a member of the board, you will oversee the management of Western university investments? How do you feel towards that?

Mr. Jordan Bitove: It's an area that I feel very comfortable with. As I mentioned before, I've sat on a number of boards, business and charitable, and I've always been able to work—whether I've chaired the board, been the president or just been a board member—within the committee to look at the best opportunities to leverage those investments and bring a greater return to them. Of course, it's a university and, like any charitable organization etc., you have to be very conservative and fiscally responsible in being able to manage it. It would be having a conservative approach to the whole thing—no pun intended.

M^me^ France Gélinas: That was my question.

Mrs. Maria Van Bommel: Thank you very much, Mr. Bitove, for coming. I have no real questions. I can certainly see by your resumé that the University of Western Ontario will benefit greatly from your involvement in the board of governors.

Mr. Jordan Bitove: Thank you very much.

The Chair (Mrs. Julia Munro): That concludes the questions. Thank you very much for coming here this morning.

Mr. Jordan Bitove: Thank you all very much.

1030

CHARLES COFFEY

Review of intended appointment, selected by official opposition party: Charles Coffey, intended appointee as member, Ontario Trillium Foundation.

The Chair (Mrs. Julia Munro): Our next intended appointee is Mr. Charles Coffey, as member, the Ontario Trillium Foundation. Good morning and welcome to the committee.

Mr. Charles Coffey: Good morning, Madam Chair.

The Chair (Mrs. Julia Munro): As you know, you may take the time at this point to offer some comments, and then we will hear questions from the members. If you're ready, please begin.

Mr. Charles Coffey: Thank you, Madam Chair, and good morning, members. My name is Charlie Coffey. I'm here because I have applied to become a director of the Ontario Trillium Foundation. I wanted to share with you very briefly why I applied for that particular role.

I do want to put into context a couple of issues as they relate to my previous career with the Royal Bank of Canada. In January last year, I retired from RBC after 44 years. My last job there was the executive vice-president of government affairs and community development. In that context, I had the responsibility for reaching out to communities across the country. But just as importantly, for me personally as a political junkie, I managed the relationship with the federal government and had a lot of contact with Queen's Park and other provincial capitals across the country on matters of interest to the Royal Bank.

I returned to Toronto from Winnipeg in 1992 to head the metropolitan Toronto region of RBC, and subsequent to that, I then managed the Royal Bank's operations in the province of Ontario, one of those operations outside the metropolitan Toronto region. I've travelled not only this country from coast to coast, but I have, I believe, an intimate knowledge of this great province of Ontario.

I want to share with you very quickly, and I will tell you, Madam Chair,and others that I'm rather reluctant to talk about what I have done personally; I find it quite embarrassing. It's not about what I have done; it's about those who have perhaps benefited from my personal time. But my four primary interests—I was able to take these personal interests that I had into the bank, and they are, in no particular order: aboriginal issues; the children's agenda, broadly defined with a particular focus on early childhood development; women's issues, specifically the advancement of women entrepreneurs—in the last number of years, I've been very active with Equal Voice, which is an organization, as you know, designed to encourage and clear the way for more women to run for political office, and I've been quite active at the federal level in that regard. And lastly, I have a particular focus on diversity, and in that regard, I chair the Canadian Centre for Diversity, which is an organization focused on encouraging multi-faith dialogue amongst high school students. We bring together 12,000 to 15,000 youth—Christians, Muslims and Jews—to have a dialogue about what they have in common, as opposed to what their differences might be.

That embarrassment that I have about speaking about myself—I will just mention three or four things that perhaps might be relevant to you. I was interested to hear the honourable member for Nickel Belt raise the issue of aboriginal peoples. I headed the Royal Bank's operations in Manitoba for three years, and visiting northern communities there, I found a situation that I found quite distasteful, and I said to myself, "This is not the Canada that I know," and I decided to do something about it. So over the last 18 years or so, I've been very outspoken and a vocal advocate of aboriginal peoples and their issues of self-determination. I often say that it's time they took their rightful place in Canadian society.

So all that to say that in 1997, Grand Chief Phil Fontaine and the Assembly of Manitoba Chiefs appointed me an honorary chief for my work in that regard.

With respect to advancing the cause of women, I can tell you—although my male friends find this rather laughable, I thought it was quite serious—that in 2001, Women Entrepreneurs of Canada named me an honorary woman for my work in supporting their cause, for economic development in particular. Just this past December, I led a trade mission for women to the Middle East.

In the area of the children's agenda, I have crisscrossed this country from coast to coast to coast speaking on what I call the business case or the economics of early

childhood development. I'm a disciple of Dr. Fraser Mustard and have worked with him and Margaret McCain on the children's agenda for 12 years. In fact, at the request of then-city councillor Olivia Chow, Margaret McCain and I co-chaired the city of Toronto commission looking at child care, daycare and the early years from stem to stern. We had recommendations for this government as well as the feds and the city.

I mentioned briefly the issue of diversity with my work for the Canadian Centre for Diversity. I was one of the driving forces at RBC in driving the diversity agenda within that organization.

I think all of that rather long-winded history of my journey relates to the work of the Trillium Foundation. When I retired a year or so ago, I worried about not having enough to do. I find that I'm now inundated with requests from coast to coast. As I said, I do accept any and all invitations to cross this country to speak about the children's agenda and aboriginal issues.

I'll leave my last comment. It reminds me of what a Cree elder from northern Manitoba said to me in the early 1990s. She said, "Mr. Coffey, listen, or your tongue will cause you to become deaf." I'm going to take her advice and stop talking and respond as best I can to the questions of the committee members.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Madam Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park. I was amazed to hear the social agenda that you have been able to move forward while working in a bank—kind of a rare breed of individual. Certainly, as a New Democrat, you talk our language, so I can assure you you'll have our support. Those are my comments.

Mr. Charles Coffey: That's a statement, but I will tell you that I was born and raised in Woodstock, New Brunswick, a very small town. My mother taught me at a very early age the importance of social justice issues, and I was often asked how it was that I survived at Canada's bluest of blue banks by focusing on social justice issues. But I made the point that what was good for Canada was good for our bank, so I could draw the connection between working with communities and enhancing shareholder value. In fact, it's a no-brainer.

The Chair (Mrs. Julia Munro): Thank you. Mrs. Van Bommel.

Mrs. Maria Van Bommel: This is a real first for me. I've never met an honorary woman. I certainly do appreciate this opportunity. Thank you very much for coming, Mr. Coffey.

The Chair (Mrs. Julia Munro): Thank you. Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, Mr. Coffey, for coming. I didn't know you were from Woodstock, New Brunswick, originally.

Mr. Charles Coffey: Do you know the area?

Ms. Lisa MacLeod: I'm originally from New Glasgow, Nova Scotia.

Mr. Charles Coffey: There you go.

Ms. Lisa MacLeod: Yes, R.B. Cameron country.

Mr. Charles Coffey: R.B Cameron and Dr. John Hamm.

Ms. Lisa MacLeod: Yes, both of them I know quite well.

In any event, I was impressed with your children's agenda. I'm not sure if you're familiar with a lot of the work that we do here—

Mr. Charles Coffey: Intimately.

Ms. Lisa MacLeod: I was previously the children and youth services critic for our party, also working on moving forward on a children's bill of rights, which, having now met your acquaintance—I would like to, at some point, pick your brain on that issue because of your extensive experience.

Mr. Charles Coffey: Absolutely.

Ms. Lisa MacLeod: Having said that, the official opposition has no problem moving forward on your nomination and endorsing it, because, quite honestly, you have done an awful lot for this province and this country. I just wanted to acknowledge that and wish you much success.

Mr. Charles Coffey: Thank you. I will, Madam Chair, leave my card, and if you or any of your colleagues want to talk about the children's agenda, the children's bill of rights or whatever, I'm only a phone call away.

Ms. Lisa MacLeod: Perfect. Thank you, sir.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questions. We do appreciate your coming here this morning.

Mr. Charles Coffey: Thank you, Madam Chair, and thank you all.

The Chair (Mrs. Julia Munro): Committee members, we are somewhat ahead of schedule right now. The clerk has checked for me, and our appointment for 11:30 is not here at this time. So what I propose to do, then, is have a recess. I would like you to be back by 11:25 so that we may begin.

The committee recessed from 1040 to 1127.

SHAKIL AKHTER

Review of intended appointment, selected by official opposition party: Shakil Akhter, intended appointee as member, council of the College of Chiropractors of Ontario.

The Chair (Mrs. Julia Munro): I'd like to call the committee back together. We are here for our fourth and final appointment interview. I'd ask Shakil Akhter to come forward, please, the intended appointee as member of the council of the College of Chiropractors of Ontario. Good morning, and welcome to the committee. As you may know, you have time allocated should you wish to make some statements. Then we will have questions from the members of the committee. So please go ahead, if you're ready.

Mr. Shakil Akhter: Good morning, Madam Chair and respectable members of the committee. I am hon-

oured to be considered for the intended appointment. I'm very excited and privileged to be with you today.

I was born and raised in Pakistan. I completed my master's degree in commerce from the University of Karachi in Pakistan. I also obtained banking diploma I from the Institute of Bankers Pakistan.

I started my professional career with Habib Bank Ltd., the largest bank in Pakistan. I worked with the bank as the officer in charge of employment and promotions in HR. I also served as directing officer, a teaching position in the staff college of the bank.

I then moved to Saudi Arabia and worked for 19 years with the Arabian American Oil Company. Most of my assignments were in administration, planning and programs.

For approximately the last 10 years, I have been in Toronto. I worked during this period with Canada Post as a salesperson, and had my own successful business for a period of three and a half years. I have also served on the board of directors of the York Condominium Corp.

For the last eight years, I have been working with an NGO and a charity organization, namely Islamic Foundation of Toronto, as administrator. In this capacity, I'm responsible for overseeing the organization and manage it in accordance with the decisions of the board of trustees and the board of directors. I am also responsible for its accounting department. Working with these organizations, I have acquired a vast amount of experience and skills while working directly with the various boards and committees and communities of various ethnic backgrounds.

I have also led and strategically coordinated international relief efforts for natural disasters such as the tsunami disaster in Indonesia and Sri Lanka, and the earthquake disaster in Pakistan. Most recently, I visited Bangladesh after the recent floods to distribute cash in kind directly to the victims of the devastation.

On the local front, after working with the city of Toronto, I launched Doors Open Toronto for our organization, which has become an annual outreach program at the Islamic Foundation of Toronto. In addition, I also oversee a weekly restaurant-style hot soup kitchen that serves over 600 less fortunate. This is a unique service to the community at large, well applauded by our mayor, Mr. David Miller.

All of these experiences have given me an insight about community life, issues, problems, concerns, and their solutions, which enables me to perform more efficiently in the best interests of the community.

I have presented a brief summary of my education, knowledge and experience. I am confident I can greatly contribute and carry out the responsibilities and obligations as a public member of the Council of the College of Chiropractors of Ontario.

I am now open for any questions or concerns. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the government.

Mrs. Maria Van Bommel: Thank you, Mr. Akhter, for coming. I noticed in your application that you're particularly interested in health care areas. Is there a reason why you picked those types of panels to apply for?

Mr. Shakil Akhter: Yes. I have a family of six people: myself, my wife, three children and my 86-year-old father. In family life, health is the most important thing. I see that almost 40% of the budget of Ontario goes to health. It is that important. I think everyone is concerned, and I thought that if I wanted to work at something good, if I wanted to contribute something positive for the community, I should go for health.

Mrs. Maria Van Bommel: Thank you very much. That's fine.

The Chair (Mrs. Julia Munro): Thank you. We'll move to the opposition.

Ms. Lisa MacLeod: Welcome, Mr. Akhter. How are you?

Mr. Shakil Akhter: Fine, thank you.

Ms. Lisa MacLeod: I noticed that you have applied not only for the College of Chiropractors, but also for the College of Psychologists of Ontario and the Council of the College of Medical Radiation Technologists of Ontario. I'm wondering why you believe this particular appointment is for you.

Mr. Shakil Akhter: As I mentioned, all these three belong to the health department. I just mentioned that health is one of the most important things. Health is wealth. I came across, through the website, that these positions were available, so I applied for all three of these positions, but I was called for this position.

Ms. Lisa MacLeod: I notice that you're employed full-time. I'm wondering if you can meet the time commitments outlined by the college. I know that you work full-time, but the college does meet four times a year and you will be required to meet at least three of those times. The time commitment is okay with you and your large family?

Mr. Shakil Akhter: Yes, Madam. I am aware of the commitment. It was mentioned to me when I was interviewed. I think that I can make this commitment. It's good for me.

Ms. Lisa MacLeod: Thank you very much. My colleague may have a question for you.

Mrs. Joyce Savoline: You may be aware that the current government's decision is to delist chiropractic care from those services that the government would pay for. Do you believe that is a good decision?

Mr. Shakil Akhter: I think the decision was made by the government in 2004 that it was going to be delisted, I think perhaps in the month of May. Now we have gone through almost four years, and I see that the shift of the patients from chiropractors, if someone is not able to pay, is a minimum amount of people. Most people have insurance, most people have plans, and they are easily able to pay. So only a few people have shifted to the family practitioners or to the hospitals. I think they're getting better services in respect to their needs. Most likely, I am satisfied with what is going on at this time because I see there are advantages. Of course, you might find some pros and cons in each decision, but I think I go for that.

Mrs. Joyce Savoline: Mr. Akhter, I find those interesting statistics, and I'm wondering whether you could point me to where I could see this pattern documented somewhere, that there's a shift.

Mr. Shakil Akhter: I went through the Internet and I read a lot of reports. I specifically read a report about this which details the pros and cons of this decision at that time. I went to the website of the chiropractors of Ontario as well. There are issues that some would like to debate, but at this point, it will be very difficult for me to pass a comment or a view while all the details are not in front of me. I also have to see the details that the council has on the table at this time.

Mrs. Joyce Savoline: But you can't point me to a specific report or website where I can go and see these statistics that you're talking about?

Mr. Shakil Akhter: I am not able at this time, however, I will pass it on to you at some time later, because—

Mrs. Joyce Savoline: I would be interested, Madam Chair, because it's not consistent with the information that I'm aware of. So for my own purposes, I would like to compare that.

Mr. Shakil Akhter: Certainly, I'll pass on the information to you.

The Chair (Mrs. Julia Munro): Thank you. Madam Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park. I'm also interested in your view as to the future of medicare. We'll start with what your personal views are towards medicare.

Mr. Shakil Akhter: I think that medicare is one of the most important needs of the community. The most important thing, I feel, is accessibility and quality. I think that these two points are most important. I'm going to have my focus on these two items: that the right services are available at the right time to people who need them.

M^me^ France Gélinas: How do you see, then, the privatization—that is, in medicare, services are publicly funded. We go see a physician and it doesn't cost us any money. It doesn't matter if you're sick or healthy, you can go see a physician. But it doesn't matter if you're sick or healthy, you have to pay to go see a chiropractor. How do you reconcile your priority of access with the fact that you support—you said that you're satisfied with what is going on, that Ontarians now have to pay to go see a chiropractor. How do you reconcile this access and the payment?

1140

Mr. Shakil Akhter: I believe that the decision was made based on the amount saved. That was going to save almost $200 million. The people who are not able to afford that still have access to health services. If not chiropractors, if they decline to go or if they're discouraged to go to the chiropractor, they still have access to better substitutes.

M^me^ France Gélinas: Such as?

Mr. Shakil Akhter: Such as family doctors, such as medical emergency services.

M^me^ France Gélinas: Do you believe that a family doctor can provide chiropractic services?

Mr. Shakil Akhter: A family doctor can address this issue. I cannot really comment on behalf of a family doctor. But so far, in the last 10 years, in my experience in Canada, for everything I have gone to family doctors or the emergency services in the hospital, and I found that I was treated well and I got the services that I really needed.

M^me^ France Gélinas: This is why we're so proud of medicare.

Coming back to my question of chiropractors, have you ever used the services of a chiropractor?

Mr. Shakil Akhter: I did once.

M^me^ France Gélinas: And did you have to pay for that service?

Mr. Shakil Akhter: Yes, $30.

M^me^ France Gélinas: And why didn't you go see your family doctor for that service?

Mr. Shakil Akhter: That's a good question.

I did go to the family doctor as well, and the family doctor gave me medicine. She was treating me, and at the same time, she said, "If you can afford and you can go to the chiropractor and have some therapy, it might get you relief a little bit faster." It was not necessary; however, it was optional, and I did go there.

At the same time, I would like to say that it is an important service that is available to the community, and I will repeat again that only a small percentage of people who cannot afford it are discouraged from going to the chiropractor.

However, if this is made available to everyone, it is going to be wonderful, but it all depends upon the limitations of the government, upon the other details that at present I do not have about what triggers the decisions. Once I'm sitting on the council and I have all the details, I'll be able to make better decisions. I'll be able to make better views because I'll have all the details in front of me.

M^me^ France Gélinas: You said that you were offered to go to a chiropractor. You were referred by your family physician to a chiropractor—

Mrs. Maria Van Bommel: On a point of order, Madam Chair: I believe that Mr. Akhter should be entitled to the same privacy laws, and his personal information around his medical history should be regulated under those privacy laws. I object to the line of the questioning at this stage.

M^me^ France Gélinas: I can take it more general.

Mrs. Maria Van Bommel: Please.

The Chair (Mrs. Julia Munro): All right. Thank you.

M^me^ France Gélinas: What if a person is referred by their family physician to a chiropractor but can't afford to pay? There are lots of people here in Toronto who work for minimum wage; they make $8.75 an hour. There is no way that any of them can afford to pay the $30 for an initial 15-minute visit. I still have a hard time understanding how you can put access as one of the two. Access and quality are what motivate you, and these are your

primary goals. But at the same time, you say that you're satisfied that people have to pay. People who don't have the money don't have access. I don't understand.

Mr. Shakil Akhter: I will repeat again that the people who do not have access—first of all, it would be good if they have access. Secondly, if they are unable to have access to this type of service, health care is to provide alternatives through the family doctor. As I know, there are certain chiropractor and therapy services available in the government hospitals, which are listed free. They're not paying.

I have seen a person who was unable to pay and she was given a paper from the doctor. She was going to a chiropractor clinic which is stationed in one of the government hospitals. She was treated free.

So I understand that there are alternatives. I take your point that it is good to have everything free, but at the same time I take the other point: whether it is possible. If it is possible, why not?

M^me^ France Gélinas: Is this example, where there are chiropractors working in Ontario hospitals—where in Ontario is that?

Mr. Shakil Akhter: The Scarborough general hospital. The person was in surgery for her wrist. It required therapy and some help in this regard. She was given a paper. She told the doctor that she would not be able to afford it and she was given a paper—and she went. It's a building at the back of the Scarborough general hospital, beside the parking. It's a one-storey building. She was treated there. I know that approximately five or six times, she went there and she was treated.

M^me^ France Gélinas: Just for your information, the building you're referring to is the out-patient physiotherapy clinic of the Scarborough general. They do not offer chiropractic services. End of my questions.

The Chair (Mrs. Julia Munro): Thank you very much, and thank you for appearing here today. I appreciate you being able to be here.

This concludes the time that we have for interviews. I would ask committee members that we now deal with concurrences. We will go in the order in which these intended appointees were before us this morning.

We will now consider the intended appointment of Mr. Gerry McNeilly, intended appointee as director, Office of the Independent Police Review Director.

Mr. Michael A. Brown: A recorded vote.

The Chair (Mrs. Julia Munro): Recorded vote.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Gerry McNeilly.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any comments? Seeing none, all in favour?

Ayes

Brown, Delaney, Gélinas, Jeffrey, Ramsay, Savoline, Van Bommel.

The Chair (Mrs. Julia Munro): All right, the motion is carried.

We will now consider the intended—I'm sorry. I forgot. All those opposed? Thank you. The motion is carried.

We will now consider the intended appointment of Jordan Bitove, intended appointee as member, University of Western Ontario board of governors.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Jordan Bitove.

Mr. Michael A. Brown: A recorded vote.

The Chair (Mrs. Julia Munro): Recorded vote. Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion? Seeing none, all in favour?

Ayes

Brown, Delaney, Gélinas, Jeffrey, MacLeod, Ramsay, Savoline, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Charles Coffey, intended appointee as member, Ontario Trillium Foundation.

Mrs. Maria Van Bommel: Chair, I move concurrence in the appointment of Charles Coffey.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion? Seeing none—

Mr. Michael A. Brown: A recorded vote.

Ayes

Brown, Delaney, Gélinas, Jeffrey, MacLeod, Ramsay, Savoline, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Shakil Akhter, intended appointee as member, Council of the College of Chiropractors of Ontario.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Shakil Akhter.

Mr. Michael A. Brown: A recorded vote.

Ms. Lisa MacLeod: Madam Chair, may I request a deferral? My colleague from the third party had several questions and I believe my colleague from Burlington also had several questions on which she was waiting for information from the intended appointee. If we could wait a week in order to obtain that information prior to the vote, I would appreciate that.

The Chair (Mrs. Julia Munro): We will have a deferral.

That concludes our business on intended appointments, but I just want to indicate to the members of the committee that the committee will reconvene at the call of the Chair. This committee stands adjourned.

The committee adjourned at 1150.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 6 May 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 6 mai 2008

The committee met at 1000 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Good morning, everyone, and welcome to the Standing Committee on Government Agencies. I would draw your attention to the agenda that you have before you, and we'll begin with the first item on the agenda. This would be the report of the subcommittee on committee business dated Thursday, May 1. I would ask for a member to move its adoption.

Mrs. Maria Van Bommel: I move the adoption of the report of the subcommittee on committee business dated Thursday, May 1, 2008.

The Chair (Mrs. Julia Munro): Is there any discussion? If not, all in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

SHAKIL AKHTER

Review of intended appointment, selected by official opposition party: Shakil Akhter, intended appointee as member, council of the College of Chiropractors of Ontario.

The Chair (Mrs. Julia Munro): Our second item of business is the matter of the deferred vote for the intended appointment of Shakil Akhter as member, council of the College of Chiropractors of Ontario.

Mr. Michael A. Brown: Recorded vote.

The Chair (Mrs. Julia Munro): Yes.

I would just remind the members that the concurrence was previously moved by Ms. Van Bommel. The opportunity then is for any comments.

Ms. Lisa MacLeod: The official opposition requested deferral based on some information we had requested from Mr. Akhter. He had stated in Hansard, "Now we have gone through almost four years, and I see that the shift of the patients from chiropractors, if someone is not able to pay, is a minimum amount of people. Most people have insurance, most people have plans, and they are easily able to pay. So only a few people have shifted to the family practitioners or to the hospitals."

Ms. Savoline from Burlington had requested that she would like to see the documents which my office had requested yesterday and circulated to the members, I believe, in the package before you. I'd like to draw your attention to just a few of the comments in some of the documentation that's been received, just to refute what he had said.

For example, on chiropractic.on.ca it's suggested, under "Coverage overview," "For those without extended health care coverage, however, chiropractic care can be more difficult to access. As an unintended consequence of the delisting of chiropractic in 2004, vulnerable populations, including seniors, the working poor and those receiving social assistance, have become least able to access chiropractic care. Ironically, these populations suffer the highest incidence of musculoskeletal problems...."

Furthermore, Deloitte and Touche in 2004 suggested, "Although delisting appears to offer cost savings, there are far greater drawbacks that may impact the entire health care system in Ontario. The recent government announcement to delist chiropractic services has potential implications on access to, cost of and quality of care for Ontario residents."

It further states, on page 3:

"Approximately 10% or 1.2 million people in Ontario visit a chiropractor annually....

"In a recent statistically valid poll, 54% of Ontarians who have seen a chiropractor in the previous year indicated that the delisting of services would discourage them from continuing to seek/seeking care from a chiropractor."

In addition, on page 5:

"Delisting chiropractic services is projected to increase the number of visits to family physicians from a minimum of more than 588,178 ... visits to a maximum of 1,176,355 ... visits annually, a moderate increase to the overall number of family physician visits of between 1.3%...and 2.6%.... Furthermore, delisting chiropractic services is projected to increase the number of emergency room visits by approximately 382,000 ... and 765,000....

It goes on to say, later on, "The financial impact of delisting chiropractic services is in the range of approximately $113 million ... to $226 million.... The impact on hospital emergency departments will add approximately 1% to hospital operating budgets. Moreover, additional costs not factored into the cost calculations, due to the lack of verifiable/cited data include—"

Mr. Kevin Daniel Flynn: Madam Chair, on a point of order: The volume of the discussion has raised some points over here, and that is to the appropriateness of the

procedure that's being used. Once again, I would question the procedure that's being used.

My understanding is that at the last meeting there was a motion of concurrence, followed by debate, followed by a request for the opposition to defer the vote. If that wasn't the case, perhaps things were treated within the wrong sequence at the last meeting. But certainly my understanding is that a vote can be deferred and then, at the subsequent meeting, that vote is held, that discussion does not take place, as appears to be happening this morning. I understood or you were maybe granting some latitude, but certainly not at this volume.

The Chair (Mrs. Julia Munro): If I could just respond to that, there was, as I recall, no discussion at the time. There was concurrence moved, so it would be in order then to allow some discussion. I recognize your concerns. I was certainly cognizant of the opportunity for discussion. As to the length of time, I will make a judgment on that. The allowing of some discussion is certainly within order. So I would ask—

Ms. Lisa MacLeod: Madam Chair, I'll just very quickly to wrap up. It does conclude in Deloitte and Touche on page 6:

"Offsetting factors:

"Some patients may choose to see a chiropractor less often.

"Some patients may seek care from alternative medicine sources e.g., acupuncture.

"Some patients may stop seeking care altogether."

The concern that I have yet again is that we've got a Liberal appointee in front of us who really doesn't know his facts. This goes on the heels of Sivam Vinayagamoorthy, who really was not the most qualified for his position; it goes on the heels of Raj Anand, who was very controversial; the heels of a former candidate, Joan Lougheed, who received an appointment which was the same amount of pay that she was receiving in her previous job; and Charlie Coffey, who I did support, I might add, but who made $16,500 in contributions to the Liberal Party in the previous few years. So with good conscience, I would have to ask that the members opposite in the government start putting forward quality candidates.

We will not be supporting this particular candidate based on the fact that he distorted the information that we received. From that perspective, we will not be supporting this particular candidate. Again, we would urge the government not to be so bitterly partisan in these appointments and to actually put forward people who understand the roles and responsibilities of these committees.

Mr. Randy Hillier: I'd just like to make a comment or two on this. This committee, in my view, is not a rubber stamp committee. We want to ensure that our public service has qualified, competent people in the agencies that are going to be servicing and assisting the people of Ontario. I think, as my colleague mentioned, this ought not be considered partisan. We have to ensure that we do have competent people.

We have seen a number of these appointees come before the committee who have not been vetted. The extent of their interviews and vetting has maybe been a five-minute telephone conversation or even less. I think it's really incumbent upon all of us here that, when intended appointees come before us who demonstrate incompetency or conflicts of interest, we do the right thing and not saddle these agencies with unqualified people, but turn them down and ensure that in the long-term future of this province we have good, competent people in our agencies.

M^me^ France Gélinas: I guess I too feel that we have an important job to do here. The college of a regulated health profession has important business to do if we want to safeguard the public using those services. The colleges or the regulatory bodies to those health professions need quality appointees in order to do their job right. Otherwise, all of us who are clients of those health care professionals are at risk.

I realize that when you want community representatives, they are not people who are chiropractors or midwives. They don't have the depth of knowledge, and I understand this. They play an important role on the college board council, but at the same time they should show a minimum of knowledge as to how a council works, as well as a minimum of knowledge as to what the college activities and responsibilities should be toward protecting the public. When those minimums are not there, I think it is our responsibility to make sure that the appointments to those colleges will serve all of us right.

I encourage the members of the public to become involved. It is important, but at the same time, if members of the public want to become involved, they have to show a minimum of due diligence before they get on to a college, because their responsibilities are great.

The Chair (Mrs. Julia Munro): Thank you very much. Any further discussion? If not, all in favour?

Ayes

Brown, Flynn, Leal, Ramsay, Van Bommel.

Nays

Gélinas, Hillier, MacLeod.

The Chair (Mrs. Julia Munro): Thank you. The motion is carried.

That concludes our business on intended appointments for today, so we will stand adjourned.

The committee adjourned at 1011.

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Tuesday 13 May 2008

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COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 13 mai 2008

The committee met at 0906 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Good morning, and welcome to the Standing Committee on Government Agencies. I would just like to draw members' attention to our agenda and note that the first order of business is the report of the subcommittee on committee business dated Thursday, March 8. We need its adoption.

Mr. Pat Hoy: I move its adoption.

The Chair (Mrs. Julia Munro): Mr. Hoy has moved its adoption. Is there any discussion? Seeing none, all in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

KIRK WALSTEDT

Review of intended appointment, selected by official opposition party: Kirk Walstedt, intended appointee as member and chair, Agriculture, Food and Rural Affairs Appeal Tribunal.

The Chair (Mrs. Julia Munro): We will move now to the appointments review, and our first interview is with Mr. Kirk Walstedt, the intended appointee as member and chair, Agriculture, Food and Rural Affairs Appeal Tribunal.

Mr. Walstedt, good morning and welcome to the committee. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement, and subsequent to that, there are questions from members of the committee. You may begin.

Mr. Kirk Walstedt: Thank you, Madam Chair. Good morning, members of the committee. I'm very pleased to be here before you today to discuss my application for chair of the tribunal. I'd like to take a few minutes to discuss my qualifications and experience, as is briefly detailed in my application.

I've worked with the public in the agricultural community in a variety of positions over the past 30 years. I was born and raised on the family dairy farm, which is now a cash crop operation, and have been active in a number of community organizations over the years.

I'm also a member of both the provincial and federal Liberal parties, have made financial contributions to both, and I am in total compliance with the relevant provisions of the Public Service of Ontario Act.

I served as an elected member of Maidstone township council for 16 years, from 1978 to 1994, the last nine of which were as the township's reeve. From 1980 to 1984, I was a special assistant to the Honourable Eugene Whelan, Canada's Minister of Agriculture, and worked directly with federal ministry staff on numerous agricultural issues.

I attended law school a bit later in life than most and was called to the bar in 1994. From 1994 to November 2006, I practised municipal and administrative law, providing legal services to a number of southwestern Ontario municipalities. I served as the chair of the Canada pension plan and old age security appeals tribunal from 2002 to 2006 and chaired over 400 hearings. Since November 2004, I have been a vice-chair on this tribunal and very much enjoy working with the staff and my fellow tribunal members.

In November 2006, I accepted an appointment as justice of the peace. However, I resigned shortly after being sworn in as the position required that I relocate for an unspecified time period, which for family reasons I was unable to do.

Following my resignation, I spoke with the then chair of the tribunal, Mr. Rod Stork. He asked if I was interested in a reappointment to the tribunal, and I definitely replied in the affirmative. He stated that he valued my service on the tribunal and strongly recommended my reappointment, which took place in December 2006.

Upon Mr. Stork announcing his retirement, I spoke with him with respect to applying for the position, and he encouraged me to do so, stating that he believed I was well qualified. The position was posted on the public secretariat website, and I applied. I understand a ministry committee reviewed the applications and provided a recommendation.

Since I was first appointed as vice-chair of the tribunal in November 2004, I've had the opportunity to participate first-hand in ensuring that the tribunal provides the highest level of service possible to the agricultural industry. I believe, as did our former chair, Mr. Stork, that there are a number of key factors that must be kept in the forefront to ensure the tribunal is operated in an effective manner.

(1) We must ensure the appellants and participants in all hearings understand the appeal process so they can bring forth their appeals and complaints with as little trepidation as possible.

(2) The tribunal roster of members must be a good mix and include as many sectors of the agricultural community as possible to ensure appellants receive a fair hearing by a knowledgeable tribunal.

(3) It is also very important that the tribunal operate in a manner that is seen to be above reproach.

The factors I have just referenced were of paramount importance to the tribunal under Mr. Stork's leadership, and I will ensure they receive the same high regard should I become chair.

The tribunal provides an important service to the agricultural community and the public at large, with one place to file their appeals and agricultural issues and have them heard by an impartial and knowledgeable tribunal. I believe my past public service, legal background, agricultural background and first-hand knowledge of the tribunal provide me with the experience required to be an effective chair.

The Chair (Mrs. Julia Munro): Thank you very much. This morning we will begin with the official opposition.

Mrs. Christine Elliott: Good morning, Mr. Walstedt. Thank you very much for your presentation. You've actually answered a good number of my questions with the statement that you just made.

Certainly with your experience, you know this tribunal quite well. What do you see as the most important challenges for the tribunal, first of all, as you go forward, and, should you become the chair, as your most important challenge?

Mr. Kirk Walstedt: As I stated in my opening statement, they are the three factors that I mentioned. I believe the board has to act independently and impartially. It's crucial that the members be very knowledgeable. It seems a lot of the hearings are becoming more complex. There should be education of the members on the tribunal to keep them updated on all the information and any changes in legislation or regulation. That's done now, but we need to ensure that—perhaps maybe an extra workshop a year. We have an annual meeting in the fall of each year. Maybe a couple of those would be appropriate.

Mr. Stork ran a good ship, and I'd like to ensure that we maintain that high level of service that I think we're providing now.

Mrs. Christine Elliott: You mentioned that your legal background has helped you. Are you the only lawyer who is currently on the tribunal?

Mr. Kirk Walstedt: No. There are four lawyers on the tribunal now. I've appeared before tribunals in the past: the drainage tribunal, when it was on its own, and the Ontario Municipal Board. I've appealed before a number of tribunals on the opposite side. They're all very well qualified, the lawyers that are on there now.

Mrs. Christine Elliott: You mentioned previously your political affiliation, that you are a member of the Liberal Party. Do you see that as having any bearing whatsoever on the work that you'd be doing?

Mr. Kirk Walstedt: No, it has never become an issue. There are really no political issues to deal with on the tribunal. No, I don't believe it's a problem.

Mrs. Christine Elliott: Thank you very much.

The Chair (Mrs. Julia Munro): We'll move to Ms. DiNovo.

Ms. Cheri DiNovo: Thanks for appearing before us. I have a couple of questions. I'll pick up where my colleague left off in terms of the political partisanship issue. You have said that you don't see this as a problem. Is it, to your knowledge, a tribunal made up mainly of Liberals? I guess my question really is, do you see partisanship, certainly the act of partisanship that you embody, as a problem on this, not only for yourself, but for the tribunal itself?

Mr. Kirk Walstedt: No, I really don't know the politics of the members on there. I can't ever recall having discussed politics. There's so much to do on the tribunal. When a hearing comes up, we get very involved in that. So no, we don't discuss politics—maybe each other's lives, how they're going and how we got there. But we really focus on the decisions. I don't discuss politics with them at all.

Ms. Cheri DiNovo: Thank you for that. I'm a city mouse, but I did spend a couple of years in the country, as a country minister. I got very used to some of the stories that I heard from my farmers. They were all farmers in my church. One of the consistent drum beats of life in the country and life for farmers that I heard was the fact that it's very difficult to make a living farming these days and that in fact many of them actually operated in the red. Their spouses carried the day in terms of paying the operating costs, half the time with a job off the farm. In terms of the overall state of farming, I was just interested in your impressions on what we could do, as legislators, to make a difference.

Mr. Kirk Walstedt: I agree, it is difficult for a lot of farmers. I think the commodity prices have certainly helped, the increase in them. A lot of the legislation that we work with gives the farmers an opportunity to bring forth their complaints and appeals if they feel that the body—whether it's Agricorp, the Dairy Farmers of Ontario, or whatever group it is—an opportunity to have any wrongs corrected. With respect to legislation, I really don't have any comment on what the government should be doing. We do our best in the tribunal to help out.

Ms. Cheri DiNovo: In terms of the tribunal's relationship with the Ministry of Agriculture, Food and Rural Affairs, did you have any comment on that relationship, anything you'd like to see done differently? Any changes to be made there?

Mr. Kirk Walstedt: No, I don't believe so. We operate at arm's length, naturally, because we're a quasi-judicial body. We implement the policies. We have discussions at our annual meetings with respect to what we think may need to be changed. I just look forward to working with the members and bringing forth any recommendations that they have. But I think things are moving along pretty well now. It's a very busy tribunal. I hope

we're doing a good job. I don't think there are too many complaints; I'm hoping there aren't.

Ms. Cheri DiNovo: I have just one last question. In terms of challenges that you've faced—you've been a member, and an active one, on this tribunal for a while now—what was the most challenging incident that you can remember?

Mr. Kirk Walstedt: The hearings, as I said in my opening statement, seem to be getting a little more complex. As for challenges, it's just keeping abreast, keeping up on the files. If you have a four- or five-day hearing, that's a long hearing. It takes a lot of stamina and a lot of work. That's the challenge, I think, for all of the members right now. But we knuckle down, and we get the job done. I think we make some pretty good decisions.

As I said, the other issue would be to ensure that everyone is kept up on the legislation, the regulations and any case law—whether at the upper levels, Court of Appeal, Supreme Court of Canada—that may affect our decisions, just to be aware of that so we do the best job we can.

The Chair (Mrs. Julia Munro): Thank you for coming this morning. You may step down.

I'm sorry, I forgot. Yes, Mr. Brown.

Mr. Michael A. Brown: Thank you, Madam Chair. I just wanted to thank you for coming today, Mr. Walstedt. We appreciate all your qualifications. We are confident that this appointment is a good one and that you will continue to work for the good of the agricultural community. Thank you.

The Chair (Mrs. Julia Munro): Thank you for coming. My apologies.

0920

ANJU VIRMANI KUMAR

Review of intended appointment, selected by third party: Anju Kumar, intended appointee as member, Toronto Central Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our next interview is with Anju Virmani Kumar, the intended appointee as member, Toronto Central Local Health Integration Network. Good morning and welcome to the committee. As you might have observed, you have an opportunity to make statements if you wish, and then we'll have questions from the committee. So when you're ready, please begin.

Ms. Anju Kumar: Good morning, ladies and gentlemen, Madam Chair and members of the standing committee. It's my pleasure to be here this morning to present to you myself and my qualifications for a position on the board of the Toronto Central LHIN.

My name is Anju Virmani Kumar. I was born in New Delhi, India. I arrived in Canada in 1975 at the age of 20. I did most of my growing up here in North America. I currently work as the chief information officer at Cargojet, which is a seven-year-young company dedicated to meeting the cargo needs of the Canadian business community.

In my role as the CIO, I have full responsibility for the technology, information and infrastructure, to ensure that the technology strategy of the organization is in sync with the overall corporate strategy of the company. Aviation is a highly regulated industry that relies on solid procedures, sound judgment, good processes and good governance.

In the past, I have run successful consulting companies, mainly in the areas of implementing large-scale software and technical solutions in order to solve complex business problems. Having been in many corporate environments, I developed a passion in the areas of corporate governance and corporate social responsibility. So a few years ago, I decided to get more involved with governance issues at the board level. I attended a course at the Directors College of McMaster University, which gave me the designation of a charter director. This invaluable training, along with my education—a master's degree in business administration—and my years of experience in the business community have prepared me well for the responsibilities and complexities of the board positions.

A few years ago, as my family was growing up and I had more time on my hands, I decided it was time to give back to the community and to my adopted country. I started to get involved in community organizations, to offer them the skills that I possess. So in the past—and I continue to do so—I volunteered my time and skills for several not-for-profit organizations, some that helped new immigrants. I've also worked on hospital foundations and fundraising committees.

I'm involved in nurturing entrepreneurship through mentoring. As a board member of TIE, The Indus Entrepreneurs, I accompanied our Premier on his trade delegation to India last year. Last year, I was also appointed by our Prime Minister, Stephen Harper, to serve on the Advisory Council for National Security as well as the Cross-Cultural Roundtable on Security.

Earlier this year, I was approached by the Maytree Foundation regarding the board position for the Toronto Central LHIN. The Maytree Foundation is a not-for-profit organization. One of the services it provides is the abcGTA roster, which has a database of candidates qualified for, and interested in, board positions for the public sector.

I met with the people at Maytree to learn more about the Toronto Central LHIN. When I heard that the LHIN was looking for someone with a technology, finance and communications background from a corporate sector, who also has experience with strategy and technology, as the LHIN looks forward to implementing its mandate, I felt this was a perfect way to package my knowledge and skills, and to top it off with my background in governance, corporate social responsibility and accountability, to make a significant contribution to the LHIN in implementing their vision of transforming the health care system to better service the needs of Ontarians.

Although health care technology has come a long way, it still has a long way to go. I'm keen to participate in the agenda of the LHIN in innovative and creative ways, by

deploying technology to move towards integration of services as we implement e-health to service the needs of our very diverse community.

I was then invited to meet with the chair of the LHIN and board and a couple of members of the nomination committee, so that they could get an understanding of my skill set and background and I could understand at a very high level the mandate of the board. After these meetings, I was given to understand that the board would like to recommend my nomination, and so this process was started.

I'm really excited about the possibility of serving on the Toronto Central LHIN. I live in the area that is serviced by the LHIN.

Availability of health care services is a topic very close to my heart. I have an 85-year-old mother who has a number of health issues, as people of that age do, and my mother is constantly in and out of service providers.

I believe the health care system is owned by the people, it's here to service the people of our community, and I believe that being a woman of ethnic cultural background, along with the qualifications I possess, I am in a unique position to offer some insight and help lead the transformation of the health care system. My professional qualifications speak for themselves.

On the softer side, my style is inclusive and collaborative. I believe in teamwork and my key strength is my ability to think outside the box and propose solutions to meet challenges that are efficient, cost-effective, creative and innovative.

The Chair (Mrs. Julia Munro): Thank you. We will commence questions, then, with Ms. DiNovo.

Ms. Cheri DiNovo: Welcome, Ms. Kumar. A couple of questions: Number one, I can't help but notice that in your background, there isn't any health care. Could you address that, perhaps? We're used to seeing maybe somebody with a nursing background or some background appropriate to a hospital setting or a health care setting.

Ms. Anju Kumar: Although I am not a nurse and I'm not a practitioner, I have implemented systems for the health care industry and the pharmaceutical and service care industry in the past, supporting automation and technology. So I do have that in my background.

Ms. Cheri DiNovo: Just some general questions: As you're probably very aware, we're coming into an incredibly challenging time in health care in this province. One of the constant criticisms of the LHIN program, generally, is that it's really another layer of bureaucracy that sops up a fair amount of taxpayer money without that money going directly into health care provision. What would you say to that criticism?

Ms. Anju Kumar: Ontario has a huge budget and I'm really not familiar with the policy, but I believe that the LHIN is there to support the people of the community in providing them the services they need. Our citizens are the key stakeholders of this process, and I think if we involve our citizens, our community, in that process, and we meet the needs of our stakeholders, we will be in a good position to provide those services.

Ms. Cheri DiNovo: You're going to be in Toronto looking at the Toronto Central LHIN?

Ms. Anju Kumar: Yes.

Ms. Cheri DiNovo: My riding happens to be within the boundaries of that LHIN, and certainly we in the New Democratic Party are huge supporters of community health centres. I have two in my riding, and both of them are always scrambling for extra money from the government to allow them to expand or to meet the needs of their clients. What do you think about community health centres? Are you amenable to making sure that they're properly resourced?

Ms. Anju Kumar: I absolutely am. I think our main goal is to provide services to the people who live in our communities. I absolutely support the cause of the community health centres. I hope my job would be, or part of our job would be, to make sure that there's accountability and that the needs of our stakeholders, of our people, are actually met.

Ms. Cheri DiNovo: One last question on publicly-privately financed hospitals—there's actually a very interesting letter in the letters to the editor in the Star today about it. Somebody—a Dr. Norman Kalant, from the Medical Reform Group of Toronto—has written in and argued that they in fact cost way more than publicly financed hospitals and they are far less efficient in terms of providing health care. We've seen this with the Brampton Civic Hospital, and we've seen this on a grand scale in Great Britain where they're withdrawing from that policy. What do you think about publicly-privately funded hospitals?

Ms. Anju Kumar: I'm a supporter of the publicly funded hospital care system. I've lived in a country—India—where there's a huge disparity in incomes and there is a privately held system. I've lived in the US, and in some parts of the US I've seen privately funded hospitals for people who can't take care of themselves. I think part of the beauty of living in this country is that we are a publicly supported health care system, and I support that fully.

0930

Ms. Cheri DiNovo: So you support a publicly funded health care system?

Ms. Anju Kumar: Yes.

Ms. Cheri DiNovo: Thank you very much, Ms. Kumar.

The Chair (Mrs. Julia Munro): We'll move on to the government. Mr. Brown.

Mr. Michael A. Brown: I just wanted to thank you for coming this morning. We appreciate your putting forward your name. It is sometimes a difficult thing for people to do, and we appreciate all your community involvement and thank you again for appearing.

Ms. Anju Kumar: Thank you.

The Chair (Mrs. Julia Munro): Mrs. Elliott.

Mrs. Christine Elliott: I just have a few questions. My riding is in the 905 area, so I'm not as familiar with the challenges that would be faced within the LHIN that you are going to be involved with. Could you just give

your impression of what you think, off the top, the three most important issues are for you in the Toronto LHIN?

Ms. Anju Kumar: I would think that, based on some of the new surveys and some of the data that have come out on the diversity of the population in the Toronto Central LHIN—and that doesn't just go for the Toronto Central LHIN; most of the greater Toronto area is very diversely populated. I would think of an integration of the services so that people don't fall through the cracks, aging at home and e-health; making sure that my health information is private and that it's available when I need it. If I can carry a credit card that tells somebody my whole financial history, I should be able to carry my health information on a card, so that if I run into an accident, people are not scrambling around: Here's my health card, and all my information is consolidated. I would support those three issues.

Mrs. Christine Elliott: So you would see the promotion of e-health as being a major priority?

Ms. Anju Kumar: E-health and back-office integration go hand in hand. That's where I would see my priorities.

Mrs. Christine Elliott: In terms of your support for the publicly funded system—I'm also a supporter of publicly funded access to universal health care—do you see any role for the private sector within the delivery of health care?

Ms. Anju Kumar: I actually think that, if coordinated properly, the private sector can make a contribution to the publicly funded system. Responsibilities, accountability—everything would have to be defined. New York City has brought private organizations and private money into a publicly funded health system—with the ability to bring in consensus and make sure ultimately it's the people who need to get those services. I think it would be a beautiful mix if you could make it happen. It would be a challenge, though.

Mrs. Christine Elliott: I agree. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much for coming here today. We appreciate your coming.

Ms. Anju Kumar: My pleasure.

BRENDA ROSEBOROUGH

Review of intended appointment, selected by third party: Brenda Roseborough, intended appointee as member, North East Local Health Integration Network.

The Chair (Mrs. Julia Munro): We'll now move on to our third interview. This is Brenda Roseborough, the intended appointee as member, North East Local Health Integration Network. Good morning and welcome to the committee. As you may have observed, you have an opportunity to make a statement and then we will have questions from the members. Please go ahead.

Ms. Brenda Roseborough: Good morning. Thank you for inviting me to speak with you this morning.

I'd like to begin by stating that I'm a lifelong resident of northeastern Ontario. I graduated from Cambrian College with a diploma in nursing in 1975. Then I went on to complete a B.Sc. degree in nursing at Laurentian University and later a master's degree in education from Nipissing University.

As a registered nurse, I have worked in a variety of acute care settings in Sudbury and Timmins. I also worked in the community as a district health nurse for the Victorian Order of Nurses.

Since 1986, I have been a professor at Cambrian College. While employed at the college, I have held a variety of positions, including coordinating the nursing program at the time when the collaborative B.Sc. in nursing program was initiated. The northeastern Ontario collaborative nursing program is a partnership that includes Laurentian University, Cambrian College, Sault college and Northern college. The partners work in course teams to develop and deliver Laurentian University's baccalaureate degree in nursing from four northeastern Ontario sites.

Working with nurse educators from across the north has enriched my understanding of issues beyond Sudbury and has enhanced my ability to collaborate with others to achieve common goals.

I have had the opportunity to participate on the Cambrian College board of governors as an internal governor. This role is a challenging one as internal representatives on college boards are both employees and trustees of the college at the same time. Cambrian College experienced some very difficult times while I was serving on its board. Our long-standing president retired and his much-respected replacement died very suddenly. Despite the challenges, I learned a great deal in the six years that I was on the college board. In addition to the benefits of board experience, I expanded my understanding of governance by attending numerous conferences and workshops.

When teaching professionalism to nursing students, I emphasize that nurses are in a unique situation because we work at the crossroads of health care. Our clients are individuals, families and communities. We know firsthand what is happening at the bedside, but we also have the knowledge, skills and abilities to influence well beyond the individual client we are caring for.

In conclusion, I have extensive experience in health care, a broad understanding of governance issues and a willingness to fully commit to this appointment. I believe I have much to offer the North East Local Health Integration Network.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the government members.

Mr. Michael A. Brown: Mr. Orazietti and I represent constituencies within the North East LHIN. One of the challenges, of course, is just the grand geography we have to contend with. I represent Algoma–Manitoulin, which is a totally rural riding, and I know the challenges that come forward to the LHIN on a regular basis.

We're just happy that you've made your application and that you're here today, and we wish you well, if the appointment is yours.

The Chair (Mrs. Julia Munro): Mrs. Elliott.

Mrs. Christine Elliott: Thank you, Ms. Roseborough. You certainly have an impressive history and a unique perspective, having been raised in the area and having worked in the health care business through your career. I'd be interested in just hearing some of the challenges that you see facing the LHIN in your area as we move forward.

Ms. Brenda Roseborough: We have quite a number of challenges. One that's quite significant is ALC patients—patients who are awaiting long-term care—backed up into our acute care hospital settings. That one is a significant issue because it then leads to longer wait times, real problems with acute care, and real problems with emergency departments that have patients who should be admitted. It's a complex problem, because the answer isn't necessarily simply adding more and more long-term-care beds, in terms of the cost of that as well as the feasibility of it. So you need to look very seriously at some innovative ideas on how to deal with assisting our elderly, in particular, in the home setting and in the community.

As well as the ALC issue, there are concerns about geography and telecommunications—the use of information technology to enhance communication—and also the recruitment of health care professionals. Certainly, the Northern Ontario School of Medicine will be helpful once they get their graduates out there; in the next two years or so, they'll be out of school and doing some internship. The difficult part is not only recruiting health care professionals, it's retaining them once you get them in the north.

Mrs. Christine Elliott: In terms of your personal goal, what would you want to start with and make your priority as a member of the LHIN?

Ms. Brenda Roseborough: I think my priority would probably be looking at innovative solutions to address the ALC clients, in terms of managing the elderly in the home setting—because that really creates numerous problems. It's sort of the one problem that creates a domino effect down the line.

Mrs. Christine Elliott: Do you feel that home care is part of the solution to allow people to stay in their homes longer rather than moving into long-term-care facilities?

Ms. Brenda Roseborough: Home care—do you mean as offered by CCACs at present?

Mrs. Christine Elliott: A variety of ways.

Ms. Brenda Roseborough: CCACs have a very specific role in home care. Sometimes it's things like adult daycare centres, where family members can have people in homes with them, and then bring mom or dad to a daycare centre as we bring children to daycare centres. They're quite popular in some jurisdictions and not particularly popular in the north. Sometimes it's a matter of simple services, not nursing care services, that folks need to support them.

Also, cost-effective intermediate care, assisted living care: I know in our community, in Sudbury, the assisted living facilities are very costly, and oftentimes clients have no place to go between the home and the nursing home level of care—so looking at something for the intermediary.

0940

Mrs. Christine Elliott: I certainly experience that in my riding. It's certainly an issue in the Central East LHIN as well. Thank you very much. I appreciate your insight and wish you well.

Ms. Brenda Roseborough: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. Ms. DiNovo.

Ms. Cheri DiNovo: Thanks for coming, Ms. Roseborough. A few questions: First of all, you mentioned long-term care. We're very concerned, in the NDP, that the minimum standards of care have not really been set and that they're too low. We've witnessed a number of incidents that have grown out of that, calamities in some cases. What do you think about the call for a minimum of 3.5 hours of care per resident per day that the OFL has called for?

Ms. Brenda Roseborough: I think that the level of care in long-term-care facilities is a concern. I have personal experience because I have a parent in a long-term-care facility. I think what ends up happening with clients in long-term care is that sometimes the amount of service a client needs varies depending upon their medical condition. When we start talking about an absolute number, then you're really taking away from those clients who need significantly more.

Ms. Cheri DiNovo: This would be an average.

Ms. Brenda Roseborough: The average, yes. I think we need to look at increasing it, to be quite honest. I'm not sure what the LHIN's position is on that, and I would have to work collaboratively with the board in making those kinds of recommendations and decisions. I believe long-term-care concerns are huge.

Ms. Cheri DiNovo: Certainly the threats to medicare that we're experiencing right now are also huge. You heard me ask previously about publicly-privately financed hospitals. What do you think of P3s?

Ms. Brenda Roseborough: Actually, I very strongly believe in the tenets of the Canada Health Act, so I believe in universality and accessibility, and I believe in public administration of health care.

Ms. Cheri DiNovo: Social determinants of health are, I'm sure, an issue in your area, and I'm particularly thinking of the plight of First Nations in terms of accessing, often, clean water, but certainly nutritious food. I'm wondering how you see the LHIN playing a role in First Nations health care.

Ms. Brenda Roseborough: Well, with First Nation communities there is the issue of federal jurisdiction versus provincial jurisdiction, so I would assume that the LHIN would have to work with the federal agencies together to try to support improving conditions for aboriginal and First Nation communities.

In some cases, First Nation communities are really struggling to have any sort of healthy lifestyle. Healthy lifestyle is a huge problem in northeastern Ontario for all communities. We have higher levels of chronic illness, higher numbers of people who smoke, higher numbers of

people who drink excessively etc., and those are particular concerns. But I'm also cognizant of the fact that there is the federal—and there has to be a desire to work together for the common goal.

Ms. Cheri DiNovo: I also asked the other applicant about the fact that LHINs, for some, seem to be a layer of bureaucracy, that perhaps the money that goes into that layer of bureaucracy could be better served going into direct health care for the population of this province. What would you say to that?

Ms. Brenda Roseborough: I first learned about the LHIN—I was attending a workshop well before LHINs came into being, and somebody from the Ministry of Health was there making a presentation on the upcoming move to LHINs. At the time, I thought it was very good because it brought health care to the regional level and because we have very unique needs across the province. That's not to say that one region's need is any more important or significant than the next, just that they're very different. So from that perspective, I support the local health integration networks.

Ms. Cheri DiNovo: Thank you. I think your background is excellent.

Ms. Brenda Roseborough: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questions. I appreciate your being here for us.

We will now move concurrences. We will now consider the intended appointment of Kirk Walstedt, intended appointee as member and chair, Agriculture, Food and Rural Affairs Appeal Tribunal.

Mr. Michael A. Brown: I move concurrence for Kirk Walstedt to the Agriculture, Food and Rural Affairs Appeal Tribunal as a member and chair.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mr. Brown. Any discussion? Seeing none, all in favour? Opposed?

Mr. Michael A. Brown: Can we have a recorded vote?

The Chair (Mrs. Julia Munro): I'm sorry. You have to do it beforehand.

The motion is carried.

We will now consider the intended appointment of Anju Virmani Kumar, intended appointee as member, Toronto Central Local Health Integration Network.

Mr. Michael A. Brown: I move concurrence of Anju Virmani Kumar to the Toronto Central Local Health Integration Network as a member.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mr. Brown. Any discussion?

Mr. Michael A. Brown: Recorded vote.

Ayes

Albanese, Brown, DiNovo, Elliott, Hoy, Jeffrey, Orazietti.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Brenda Roseborough, intended appointee as member, North East Local Health Integration Network.

Mr. Michael A. Brown: I move concurrence for Brenda Roseborough to the North East Local Health Integration Network as a member.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mr. Brown. Any discussion?

Mr. Michael A. Brown: Recorded vote.

Ayes

Albanese, Brown, DiNovo, Elliott, Hoy, Jeffrey, Orazietti.

The Chair (Mrs. Julia Munro): The motion is carried.

That concludes our business on intended appointments. Congratulations to those who have been here this morning. This committee, then, stands adjourned.

The committee adjourned at 0946.

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Tuesday 27 May 2008

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Mardi 27 mai 2008

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 27 May 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 27 mai 2008

The committee met at 0901 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Good morning. The standing committee is looking at its agenda for today. Our first order of business is the report of the subcommittee on committee business dated Thursday, May 15. Ms. Van Bommel.

Mrs. Maria Van Bommel: I would move the adoption of the subcommittee report dated Thursday, May 15, 2008.

The Chair (Mrs. Julia Munro): Is there any discussion? Seeing none, all in favour? Opposed? The motion is carried.

The second item of business is the report of the subcommittee on committee business dated Thursday, May 22.

Mrs. Maria Van Bommel: I would move adoption of the report of the subcommittee on committee business dated Thursday, May 22, 2008.

The Chair (Mrs. Julia Munro): Is there any discussion? Seeing none, all in favour? All opposed? The motion is carried.

INTENDED APPOINTMENTS

ALINA LAZOR

Review of intended appointment, selected by third party: Alina Lazor, intended appointee as member, Child and Family Services Review Board/Custody Review Board.

The Chair (Mrs. Julia Munro): We will now move to the appointment reviews. Our first interview is with Alina Lazor, intended appointee as member, Child and Family Services Review Board and the Custody Review Board. Ms. Lazor, please come forward.

Good morning, and welcome to the committee. As you may know, you have an opportunity should you wish to make an initial statement. Subsequent to that, we will have questions from the members of the committee. So if you are ready, you may begin.

Dr. Alina Lazor: Good morning. Thank you for the opportunity to introduce myself to you. I know that you have my curriculum and you have some information, but I would like to make an opening statement on my behalf.

I am Alina Lazor and I'm a clinician. I'm a child psychiatrist with over 35 years of experience in working with what we call multi-dimensional children, which is multi-problematic children, and their families.

I have been working in different capacities: as a staff psychiatrist in hospital, then a senior psychiatrist consultant, and then I was the clinical unit director of adolescent services for 18 years at the Whitby Mental Health Centre. In this capacity I was also involved in developing, with quite a good clinical team, a residential program for those children—day treatment, outpatient, satellite clinic. I was also involved in the community, in planning for children with mental health needs, with the coordination of services, and in several task forces which also all relate to the clinical issue of mental health.

In 1998 I retired but continued to do consultation services for the hospital. I also became more involved with the community because I very much believe that the service provided for this population is to empower children and their parents so they know what to look for, so they understand what the illness means, so they understand how they should manage it and so they understand the lifestyle that they should live.

Through education and practical transfers to practical skills training, I came to be more focused on that area. I'm running several groups for parents and for older adolescents who are able to perceive the education and understand what they are supposed to look for and what they are supposed to prevent—their vulnerable brain, that they could stay in the community and in the family, and avoid hospitalization and institutionalization.

During the last two years I have not been doing consultation for the hospital. I've been focusing completely on the community: working, training, workshops, and consultation for other mental health providers.

For several years I had been a member of the interministerial placement advisory committee as a child psychiatrist and shared my clinical skills in those difficult cases.

I think I will stop at this time. Thank you for listening to me.

The Chair (Mrs. Julia Munro): Thank you very much. This morning we'll begin questions with the official opposition. Ms. MacLeod?

Ms. Lisa MacLeod: We have none at this time. We wish you the best of luck. I see that Judy Finlay has been one of your references. Judy ranks very high in my books, so good luck.

Dr. Alina Lazor: Thank you.

The Chair (Mrs. Julia Munro): Ms. Horwath.

Ms. Andrea Horwath: Welcome, and thank you for coming in today, Dr. Lazor. I'm wondering if you had any experience in the work that you've already done with the Child and Family Services Review Board.

Dr. Alina Lazor: No, I did not have any experience with the Child and Family Services Review Board.

Ms. Andrea Horwath: Are you aware of the new responsibilities that the board has been given under Bill 210?

Dr. Alina Lazor: Yes. I had been informed when I had the interview with the chairperson and the two vice-chairpersons from the review board. I had also been supplied with documentation about that.

Ms. Andrea Horwath: It's interesting, as the member from the official opposition indicated and as I notice as well, that you have Judy Finlay down as one of your supporters, one of your references. I'm wondering if you've had any experience yourself with children's aid societies in the province of Ontario.

Dr. Alina Lazor: Only as a clinician, when the children were referred to me for some consultation or to assess the children. I also provide indirect consultation for the clinician within the children's aid society—mental health.

Ms. Andrea Horwath: All right. So then you would know the kinds of situations that children's aid societies deal with on a regular basis and know that the Child and Family Services Review Board is in a position to undertake a role when there are appeals of the process of decision-making that occurs in the children's aid society. Again, I think we're all quite aware that children's aid societies quite often have a difficult job, but I'm wondering if, through your professional experience and the work that you've done in the past, you have any kind of perspective on whether or not the Child and Family Services Review Board is the best way to deal with oversight in children's aid societies in the province of Ontario.

0910

Dr. Alina Lazor: I think that every child and every family should have their way to appeal. I think this is the way to do it, through the independent appeals board, to look at it carefully and assess the situation. I feel very supportive.

Ms. Andrea Horwath: So are you aware that most other provinces have an ombudsman that takes on that role, one that is a completely independent body and separate completely from the child welfare system?

Dr. Alina Lazor: No, I am not.

Ms. Andrea Horwath: You're not aware of that?

Dr. Alina Lazor: No.

Ms. Andrea Horwath: Did you ever speak to Judy Finlay about the extent to which the Child and Family Services Review Board has a review of appeals in children's aid situations?

Dr. Alina Lazor: No, Judy Finlay was the former chief advocate of the advocacy office.

Ms. Andrea Horwath: I know.

Dr. Alina Lazor: Therefore, I have been in contact with her through IMPACT, the interministerial placement advisory committee, which is advising the advocacy office on several cases. My contact regarding the review board was mostly that she was suggesting that maybe my skills could be beneficial for the review board to be changed now or extend its capacity to deal with those appeals, but not in the detail.

Ms. Andrea Horwath: Not the specifics?

Dr. Alina Lazor: No.

Ms. Andrea Horwath: Would it surprise you, then, to find out that she is publicly on the record many times indicating that the Child and Family Services Review Board is not the best way to go in terms of appeals for children's aid society problems?

Dr. Alina Lazor: I didn't know; I didn't discuss it with her. I didn't know. I cannot have any comment.

Ms. Andrea Horwath: Okay. Just to let you know, she really does believe that that's the better place for these kinds of situations because, in fact, it's very narrow in scope, which you might be aware of if you've read through the documentation. The role of the Child and Family Services Review Board in terms of appeals of children's aid society decisions is very narrow in scope. It's really just procedural—not the nature of the decision, not the facts, not any of the circumstances around the decision that comes down or the issue that is being appealed, but rather just the procedural matters.

So in that vein, Ms. Finlay has been very, very critical of this province's lack of oversight by an ombudsman, by a completely separate, independent voice. Just in terms of perspective as you go forward on this very important board, I think you might be interested to know that she has some pretty strong opinions in that regard.

Are you at all concerned about your own experience with children's aid societies and whether or not that will have an effect on your ability to have an independent perspective?

Dr. Alina Lazor: I'm really quite an objective clinician. I had involvement with many other agencies as well. My involvement with children's aid societies is limited. I will have to watch and I will have to see.

Ms. Andrea Horwath: You mentioned a little bit about your experience as a clinician with children's mental health. There's been a great deal of concern in the last couple of years about the lack of resources being put into children's mental health. Particularly this past couple of months, there have been some significant alarm bells being raised about the fact that there are not enough treatment programs, there are not enough clinicians, that the system is really not there to help children with mental health problems, mental health issues. Is that something that's your experience, as somebody operating in the field?

Dr. Alina Lazor: I think that we always have been short of services. I think that we are much better to identify those children; we are much better to save the premature children who could also have some predisposition to develop mental illnesses. I do believe that each child has a right to get treatment or services as

needed. I also am aware that there will never be enough money to do everything. But I think essential services, partnership, collaboration between the service providers is the way to go, and empowering the parents so that they know where, how and when they're supposed to advocate for their own children. Yes, there are not enough services for this population.

Ms. Andrea Horwath: It's unfortunate. I think that everybody would agree that—and as a clinician you would be someone who I would think could enlighten us if it's not the case. But everything that I'm reading indicates that early treatment is the best route.

Dr. Alina Lazor: Yes.

Ms. Andrea Horwath: There's no doubt about it. The sooner you provide treatment for children and young people, the better their likely ability to cope in the future.

Dr. Alina Lazor: Absolutely; it's absolutely true. We are much more advanced with the treatment of very severe illnesses which they could develop, the major mental illnesses. When we treat them early, then we have a much better prognosis for those people and we can avoid too many hospitalizations. I agree.

Ms. Andrea Horwath: Can I just ask you, as I finish off my questions, if you have any affiliation with any political parties?

Dr. Alina Lazor: No, I do not.

Ms. Andrea Horwath: You're completely independent. Can I just ask one last question around the children's mental health issue, because it's something that's of grave concern? In some of the articles I've been reading, there is an inference that even if there were more resources in terms of dollars, there are not the experts in the field to deal with the volume of children who need service. Is that your take on the situation, and if it is, do you have any recommendations or suggestions to start to deal with that problem?

Dr. Alina Lazor: Yes, I do. I agree that generally there are not enough clinicians, but there are not enough clinicians for our children's mental health services. I think that the suggestion will be to provide training. They don't produce enough child psychiatrists, and child psychiatrists are not the only people who are treating the kids. We need lots of paramedical and other staff and mental health providers. Increase the enrolment in those colleges and universities and also expose more family physicians to have a better understanding of mental health issues and education. If there is no manpower, you have to really try. I know that in some other countries they are trying to train lay people who are able to identify early difficulties so they are more knowledgeable about when to redirect those people. I think we have to spread it across the universities, colleges and community.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move on to the government.

Mrs. Maria Van Bommel: I want to thank Dr. Lazor for coming in this morning, but we have no questions.

The Chair (Mrs. Julia Munro): Thank you very much for coming to the committee this morning. That ends the official part of the interview. Thank you very much for being here.

Dr. Alina Lazor: Thank you.

SHEENA SCOTT

Review of intended appointment, selected by third party: Sheena Scott, intended appointee as member, Child and Family Services Review Board/Custody Review Board.

The Chair (Mrs. Julia Munro): Our second interview today is with Sheena Scott, intended appointee as member, Child and Family Services Review Board and Custody Review Board. Good morning and welcome to the committee.

Ms. Sheena Scott: Good morning.

The Chair (Mrs. Julia Munro): As you may have observed, you have an opportunity to make a few statements, and then we'll entertain questions from the committee members. If you're ready, please begin.

Ms. Sheena Scott: Certainly. Good morning, and thank you. I am a lawyer and have been a lawyer for 20 years. For more than half of that time, I worked exclusively in the field of children, youth and the law. I was lawyer and then executive director of a legal clinic for children and youth. My work covered all of the areas addressed by the two boards except for adoption. Child placement issues were a significant part of my practice.

I also sat on the interministerial provincial advisory committee for five years and was chair for one year. I then moved on, briefly, to work at the Office of Child and Family Services Advocacy, where I did mostly legal research and writing. I also participated in two child welfare reviews, one in the north and one in the Niagara region.

I then became the director of legal services at the African Canadian Legal Clinic, where I was until 2006. In that capacity, I remained involved in issues pertaining to children and youth, in education, human rights, youth justice, child custody and child welfare contexts. I also provided training to the African Canadian youth justice program on the Child and Family Services Act, the Youth Criminal Justice Act and the UN Convention on the Rights of the Child.

0920

At the end of April, just recently, I completed 14 months on contract as counsel for the Ontario Human Rights Commission, practising administrative law, and although my focus did broaden, I did remain involved in issues pertaining to children and youth. Recently, I worked on a case in which all the parties were seeking access to Youth Criminal Justice Act records for the purposes of a hearing before the Human Rights Tribunal of Ontario. That was in a context in which all the parties, even the youth, wanted the records before the tribunal in aid of the proper administration of justice. That's an issue that might actually arise in the two boards that we're dealing with today.

In addition to my legal work, I have published and done projects on issues relating to children, youth and the law on a variety of topics, including the UN Convention on the Rights of the Child, youth justice, children's

mental health and child welfare. I have also provided training and taught at the college and university levels. Most recently, in terms of public speaking, my emphasis has been on the UN Convention on the Rights of the Child.

So by way of brief introduction, I'll stop there. I would very much welcome the opportunity to sit on the two boards, and I thank you for your time this morning.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Horwath.

Ms. Andrea Horwath: Thanks very much. I'm just curious how you knew about the position.

Ms. Sheena Scott: Certainly. I actually applied for the chair's position. There was an ad in the Globe and Mail in 2006, I believe, in May. I applied in June and I had an interview at the Public Appointments Secretariat in the summer of 2006. It's a bit of a long story.

After the interview, they contacted me and asked me if I'd be interested in positions other than the chairship. I indicated that I would and asked that my application be considered for other positions. Then, in the fall of 2007, I was contacted for an interview in December. I had an interview at the board with the chair and, I believe, the two vice-chairs.

Ms. Andrea Horwath: Excellent. There's no doubt that you have significant experience that would serve you well in this appointment.

I don't know how long you were here during the last interview, but I have some concerns around the scope of the board's ability to review children's aid society complaints, pretty much. The issue is that there is no oversight of the children's aid society in the province of Ontario, save for a very scoped and narrow ability for complaints to be appealed to the board. This is something that was debated significantly during Bill 210—amendments to the Child and Family Services Act—and our child advocate at the time was very concerned about this and thought that, like most other provinces, Ontario should have complete, independent oversight of the children's aid society.

My question is twofold. Your experience, particularly in administrative law: Do you believe that the proper oversight exists for complaints to children's aid societies or appeals of those complaints, and do you believe that the parameters under which the Child and Family Services Review Board can review those matters are wide enough to get justice for people who have concerns about the way their cases have been handled through the children's aid societies?

Ms. Sheena Scott: It's not something I have a particular position on. I do know that the Child and Family Services Review Board does have limited jurisdiction in terms of the complaint process and whether or not it's properly exercised and whether or not children and families have been heard in the process. I am aware that there is a limited scope of review.

As to whether or not there should be further review, that's something that the Legislature may want to continue to examine further and assess.

Ms. Andrea Horwath: In terms of the work that you've done with children, child welfare and children's rights, do you have any personal belief as to whether or not there is a necessity within our child welfare system for a kind of arm's-length oversight system?

Ms. Sheena Scott: Generally speaking, arm's-length independent oversight is something that's consistent with international and domestic law. That's all I could really say on that.

Ms. Andrea Horwath: That's fine. I appreciate that.

I'm wondering if you could expand a little bit on the role that you play with the Sparrow Lake Alliance.

Ms. Sheena Scott: The Sparrow Lake Alliance meets annually, typically. It's kind of a think tank or information-sharing venue for people in children's services. I played an active role for about a year as co-chair of a forensic task force. That was looking at issues for youth in custody. Other than that, I haven't played an active role. I did speak at the conference last year when someone else backed out.

Ms. Andrea Horwath: Okay. Thanks very much. As I said, my main goal was to get a feel for whether or not the people appointed to this board fully understand the restrictions that exist around their ability to review particularly children's aid society complaints. I think your resumé very clearly indicates that you have many skills to offer, and I want to wish you all the best in your appointment to this board. You have good work to do.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Chair, and also I want to say thank you, Ms. Scott, for appearing before the committee this morning. I think you're eminently qualified for this position, so thank you.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Thank you, Madam Chair. Welcome, Ms. Scott. I reviewed your resumé. It's also noteworthy that Judy Finlay was a reference of yours, which I really appreciate. I also want to congratulate you for all the work that you've done on behalf of children and youth in Ontario. I'm very interested to see that you've worked on the UN convention of the children. I want to congratulate you, and the official opposition will be endorsing your candidacy.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the interview, and we certainly appreciate you taking time to come and appear before us. Thank you.

Ms. Sheena Scott: Thank you all very much.

Mrs. Liz Sandals: Should we take a recess?

The Chair (Mrs. Julia Munro): We will take about a five-minute recess.

The committee recessed from 0927 to 0935.

HEATHER HUNTER

Review of intended appointment, selected by third party: Heather Hunter, intended appointee as member, Child and Family Services Review Board/Custody Review Board.

The Chair (Mrs. Julia Munro): The committee has come together, and we'll now do our third and final interview today, which is with Heather Hunter, intended appointee as member, Child and Family Services Review Board/Custody Review Board. Good morning and welcome to the committee.

Ms. Heather Hunter: Thank you.

The Chair (Mrs. Julia Munro): As you may be aware, you have the opportunity to make a few comments. After that, we will entertain questions from various committee members. When you're ready, please begin.

Ms. Heather Hunter: Good morning. I wish to thank you for the opportunity to appear before you today. I am from Huntsville, Ontario, where I have my primary residence. I have dedicated my life's work to the children's, youth justice, family and related sectors, and to advocacy for children and families.

Over the past 40 years I have held progressively responsible and senior positions, including program manager positions at Chedoke Hospital, now McMaster health sciences, and Thistletown Regional Centre as the director of TREADD, which is treatment, research and education for autism and developmental disorders. I have been the executive director of two children's mental health/youth justice agencies and one developmental services organization in the past, and I was, until September 2007, the chief executive officer of Banyan Community Services, formerly known as Hamilton East Community Services, for 11 years. This organization provides a wide range of youth justice programs and services, children's mental health programs, foster care, a seniors' program and various community-based programs, including a camp in the Kawarthas.

Throughout my time at Banyan in particular I have been responsible for the incarceration, care and rehabilitation of some of the most troubled, complex and, some would say, dangerous young people in the province, while ensuring the community's safety as well. The responsibility provided me with a perspective that few people may have the opportunity to experience.

I am aware of, and dedicated to, best practice standards, and I am thoroughly acquainted with complaint procedures. The challenges over the past several years have been the shift from the Young Offenders Act to the Youth Criminal Justice Act and the subsequent ministry changes, and the development of evidence-based, intervention/prevention programs working with children under 12 already in conflict with the law but who cannot be charged, to endeavour to redirect their energy and their behaviour toward pro-social activities. This program was evaluated by the Offord centre in Hamilton, and I am extremely proud of my achievement in this important, groundbreaking program and its evaluation, which was first funded by Justice Canada and subsequently by the province. It has established the benchmark provincially and federally for early intervention/prevention crime strategies for young children.

0940

My work with the province between 1980 and 1990 involved transfer payment oversight, licensing, budget negotiations with child welfare, children's mental health, youth justice, then YOA, developmental services and then-called children and youth institutions. I led the policy training for the province, when I spent time in the policy division, for the implementation of the residential placement advisory committee provisions of the Child and Family Services Act across the province, and participated in the safeguards review, which significantly influenced residential standards of care for children and youth in this province. I also participated in and led numerous operational reviews of programs in several sectors across the province over the years, including section 68 child welfare complaint reviews.

I have responded to requests to intervene and assume leadership in some very difficult situations over the past 25 years. I have always done so in a professional, fair and balanced manner, respecting the rights of all parties involved.

I was a graduate of the child and youth worker program at Thistletown Regional Centre many years ago and a graduate of the clinical behavioural sciences program at McMaster health sciences. I have deep respect and understanding of the child and youth sector, youth justice, and child welfare sectors, which are relevant pertaining to the mandate of the Child and Family Services Review Board/Custody Review Board. I'm a strong advocate for accountability and transparency in the provision of care and custody. As well, I strongly support dispute resolution processes.

I have, of course, been vitally aware of the board and its mandate for many years because of my involvement in the child and youth sector. I had determined, after my retirement from direct operations last fall, to continue to be involved in a meaningful and relevant manner, using the skills and knowledge gained over many years caring for children and youth. It seemed to me that a perfect match for me would be the Child and Family Services Review Board/Custody Review Board. Simply, I wish to continue to serve.

In conclusion, I believe that my leadership, experience, compassion, adaptability, and knowledge of the legislation and its recent amendments and of the service delivery sectors, will be an asset to the board. I would be honoured to serve as a member of the Child and Family Services Review Board/Custody Review Board. Thank you very much indeed.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the government and Ms. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Ms. Hunter, for appearing before the standing committee this morning. We have no questions.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, Ms. Hunter, for appearing before us today. I appreciate your going through your background. I read with interest your

resumé. I have just two quick questions. How did you find out about this position?

Ms. Heather Hunter: I had known about the board, Ms. MacLeod, for some time. I was retiring from running direct operations and I decided that I wanted to pursue staying involved in a meaningful way. So I heard about it because in the service system one knows about the Child and Family Services Review Board. As well, we did have youth call the Custody Review Board. So I was fully aware of the board.

Ms. Lisa MacLeod: Just one final question: Have you been active politically in the past?

Ms. Heather Hunter: Several years ago I was a member of the Liberal Party. However, I have donated to all three parties over the years in specific support of individuals.

Ms. Lisa MacLeod: Okay. Thank you.

The Chair (Mr. Bill Mauro): Ms. Horwath.

Ms. Andrea Horwath: Thank you for coming in, Heather. Nice to see you again. Heather, I had a couple of questions around—you mentioned in your comments the amendments to the Child and Family Services Act that were recently put in place, so I'm kind of wanting to get at that. But first I have a few general types of questions for you.

In your opinion, acknowledging your breadth of experience in child protection and in child welfare, do you believe there is appropriate oversight right now in child welfare and protection in the province of Ontario?

Ms. Heather Hunter: I think that the province has endeavoured to provide very sound mechanisms for oversight. Our child welfare partners have done a very good job of recognizing that there needs to be monitoring of the system, as it were. I think the implementation of the complaint procedures, the panels, was a very good idea, and I think it provides a safety net for everyone. I'm not sure I'm answering your question the way—

Ms. Andrea Horwath: That's all right. I have a few more, so we might get at it a little bit more specifically.

In your discussion, you said you're quite aware of the board. Have you actually ever had direct experience with the board yourself?

Ms. Heather Hunter: No. We have had children in one of our facilities, a custody program—

Ms. Andrea Horwath: But you did say you have some experience with negotiation, mediation, arbitration, that kind of process.

Ms. Heather Hunter: I think, in my role, certainly the senior positions that I've held, I have had to employ practices of negotiation strongly.

Ms. Andrea Horwath: Absolutely. One of the criticisms that came up during the hearings and debate on Bill 210 was around the narrow scope of the Child and Family Services Review Board in terms of its capacity to deal with the complaints of children's aid societies.

Ms. Heather Hunter: Yes.

Ms. Andrea Horwath: That's something that the child advocate at the time and many others were trying to urge the government to reconsider, that the narrow scope prevents, in some cases, very real and difficult situations where there is dispute from actually getting any kind of hearing. Do you have any comments on that observation?

Ms. Heather Hunter: My understanding would be that there would be an opportunity for resolution of disputes prior to the issue coming before the board. I think every opportunity needs to be taken for early resolution, if possible. The board in some ways is the last appeal process, and every effort should be made to negotiate and resolve issues prior to that. I would totally support that.

Ms. Andrea Horwath: Yes, and I would agree with you. I guess the challenge is that currently in the province of Ontario, unlike many other provinces, there is nothing other than the procedural type of appeal that goes to the board, which is strictly based on whether or not the actual children's aid society in question followed its own procedures. Do you know what I'm saying? In other provinces, the Ombudsman has another level of oversight. That's something that has been advocated for in this province for quite some time. Again, recognizing and acknowledging the good work that children's aid societies do in this province, it seems to be an anomaly in Canada that Ontario doesn't have this independent oversight mechanism that goes beyond the procedural type of complaint that can be taken to the board in the matter of children's aid society decisions. Any comments on that?

Ms. Heather Hunter: Gosh, I don't know what to say. I think that the board is a viable third party, arm's-length, neutral body that can provide, particularly when the board is comprised of people who really are very understanding and sympathetic to systemic issues—

Ms. Andrea Horwath: I don't want to give you the wrong impression. I'm not critical of the individuals on the board and whether or not they have the capacity or the skills. In fact, you and the other two members who were here today to talk about this were very skilled and had lots of capacity to deal with it. The issue is that the scope of the issues you're allowed to deal with under the mandate that you have is very restrictive, and you will never be able to hear those other kinds of broader complaints against children's aid, in particular, because there is no capacity to do that within your mandate. If you feel uncomfortable with that question, I understand completely.

Ms. Heather Hunter: I just think that's a decision that needs to be taken at a policy level. It's certainly not for me to be able to comment on. I don't purport to be an expert.

0950

Ms. Andrea Horwath: No; absolutely.

You had mentioned in your remarks your work with ministries in the past. Can you enlighten us on that a little bit?

Ms. Heather Hunter: During the time I was employed by the province?

Ms. Andrea Horwath: Yes.

Ms. Heather Hunter: My experience with the province started with heading the newly formed hard-to-serve unit in Toronto, which was a unit of individuals who

received referrals for kids who were falling between the cracks in service. The objective was to ensure placement of these children in children's mental health centres or developmental services. That started my time with the province.

I also headed the special services at home, a special needs program, for Metro Toronto—which was a huge undertaking, I might add. I then moved to program supervisor for a wide range of organizations over many years. It was a great time to be a program supervisor because we worked in a very mutually respectful and dynamic environment. I spent one year in the policy division and—sorry, I didn't bring my resumé with me. I can't remember sometimes. I also participated in the safeguards review team, which travelled the province and looked into the quality of care and quality of standards of care for kids in residential services at the time. It was a great experience; I feel very blessed to have had it, frankly.

Ms. Andrea Horwath: Can I ask one last question?

The Chair (Mrs. Julia Munro): One last question.

Ms. Andrea Horwath: It's one I asked of some of the other candidates as well. In terms of the current concern in the area of children's mental health, would you have any particular insights or suggestions into how we, as a province, can start getting more in tune with the needs of younger children in particular and getting them mental health services at an earlier age so that their futures are a lot brighter than what we currently have in the province of Ontario?

Ms. Heather Hunter: I'd be very happy to respond to that. Having been involved most recently with a crime prevention program for young children and having been involved many years ago with Stothers Centre for Children and Families, which was a children's mental health centre for preschool children, I can say that I think that we should endeavour to listen to what is happening in the children's mental health sector as it pertains to the waiting lists, as it pertains to some very difficult children waiting for care, waiting for treatment. I'm very sympathetic to my colleagues in children's mental health. They have a very difficult task in trying to prioritize kids who come with very complex needs. I certainly support my colleagues in that sector. I think it's a very difficult time.

The Chair (Mrs. Julia Munro): That concludes the time set aside. Thank you very much for coming this morning.

Committee members, we will now deal with concurrences. We will now consider the intended appointment of Alina Lazor, intended appointee as member, Child and Family Services Review Board/Custody Review Board.

Mrs. Maria Van Bommel: I move concurrence of the appointment of Alina Lazor.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion? If not, all in favour?

Mr. Michael A. Brown: Recorded vote.

Ayes

Brown, Hillier, Horwath, Levac, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): Opposed? The motion is carried.

We will now consider the intended appointment of Sheena Scott, intended appointee as member, Child and Family Services Review Board/Custody Review Board.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Sheena Scott.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been made by Mrs. Van Bommel. Any discussion?

Mr. Michael A. Brown: Recorded vote.

Ayes

Brown, Hillier, Horwath, Levac, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): Opposed? The motion is carried.

We will now consider the intended appointment of Heather Hunter, intended appointee as member, Child and Family Services Review Board/Custody Review Board.

Mrs. Maria Van Bommel: I move the concurrence of the appointment of Heather Hunter.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mr. Michael A. Brown: Recorded vote.

Ayes

Brown, Hillier, Horwath, Levac, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): All those opposed? The motion is carried. Congratulations to our intended appointees.

That concludes our business on intended appointments. I would just remind the committee that next week we will meet here at 9:30. This committee stands adjourned.

The committee adjourned at 0956.

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Intended appointments

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 3 June 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 3 juin 2008

The committee met at 0932 in room 228.

INTENDED APPOINTMENTS

JENNIFER SCOTT

Review of intended appointment, selected by third party: Jennifer Scott, intended appointee as member and vice-chair, Child and Family Services Review Board/Custody Review Board.

The Chair (Mrs. Julia Munro): Good morning, and welcome to the Standing Committee on Government Agencies. We will proceed at this time to our intended appointments review.

I would invite Jennifer Scott, the intended appointee as member and vice-chair, Child and Family Services Review Board/Custody Review Board, to our committee.

Welcome. As you may be aware, you have an opportunity, should you wish to do so, to make an initial statement. Subsequent to that, we'll ask for questions from the members of the committee. If you're ready, you may begin.

Ms. Jennifer Scott: Good morning. Thank you very much for inviting me here and giving me the opportunity to tell you a little bit about myself. I'm a lawyer and have been practising in Toronto for 20 years. For the past 16 years, I've specialized in administrative law, mostly in the area of human rights, on behalf of complainants—those who believe they've been discriminated against.

I have represented human rights commissions, both federally and provincially. I've also represented parents and kids in student discipline matters and ensuring that programs and services are available to meet their special needs.

About four years ago, I was retained as legal counsel to the Child and Family Services Review Board and the Ontario Special Education (English) Tribunal. In that capacity, I provided independent legal counsel with respect to their adjudicative functions. My retainer with the spec ed tribunal ended in 2006 when the Attorney General took over that role, but I've continued to act as independent legal counsel to the Child and Family Services Review Board.

As you know, in November 2006, the CFSRB's mandate changed quite significantly under Bill 210. So during the past year and a half, I've worked very closely with the chair of the board, Suzanne Gilbert, to provide the infrastructure for that new mandate. So we developed policies and rules of procedure. I've reviewed decisions and I represented the board on two judicial reviews that were brought by children's aid societies challenging the board's new mandate, and in both cases the court sided with the board with respect to its interpretation of its mandate under Bill 210.

In December of last year, I was approached by Ms. Gilbert to see whether or not I would be interested in becoming a full-time vice-chair with the board. After giving it much thought, it seemed like it was a good transition for me to go, as independent counsel, to act as an adjudicator. After 20 years in practice, I'm ready to move into more of an adjudicative mediation function.

I don't know if you know this, but I've also been a part-time member of the Human Rights Tribunal of Ontario. My hope is that I can act in two capacities. If my appointment is approved, I can be a full-time vice-chair for the CFSRB but also remain as a member of the Human Rights Tribunal, obviously with one salary. I think it's really important for members of adjudicative bodies in Ontario to have an understanding of human rights. The Supreme Court has told us that we should be looking at human rights in our adjudicative capacities, that it should not just be the tribunal that determines those issues, so I think that I can bring that expertise to the CFSRB.

That's an introduction as far as why I'm here. Again, thank you very much for inviting me today.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin our questions with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Welcome, Ms. Scott. You come eminently qualified. The official opposition has no problem with endorsing your qualifications to this board. You explained everything I had a question for. I'm not sure if my colleague has any questions. Good luck.

Ms. Jennifer Scott: Thank you.

The Chair (Mrs. Julia Munro): We'll move on, then, to Ms. Horwath.

Ms. Andrea Horwath: I too was impressed with the information that we received from legislative research in regards to your qualifications; they're certainly stellar.

I do have a couple of questions. You indicated in your remarks that you've done some work already with the board, but in a different capacity. That's obviously something that was provided as part of our information package as well. I'm wondering whether this could cause

any conflicts to arise in your mind. As you're sitting with the other hat on, do you have any concerns at all that you might have a conflict arise as a result?

Ms. Jennifer Scott: I don't think so. Because I've been independent legal counsel, I've just been providing legal advice in a very neutral way to the board, so I haven't taken any partisan positions on behalf of one party. I don't think there will be a conflict that will arise.

But your question is a good one, because the members are used to my being their lawyer for four years. I've been very clear with the chair that I will not be able to provide legal advice. I'm going to have to change hats; I can't hold myself out that I'm practising law any longer, so I think I have to be very clear. It's one thing to give colleagues advice, as we all do, about how we do our jobs, but I need to be very careful that I'm no longer providing legal advice. That is going to be a shift, but I think we're aware of that.

Ms. Andrea Horwath: It's interesting, because prior to being in elected life, I worked for a legal clinic. I wasn't a lawyer, but nonetheless, we strove to have lawyers on our board of directors and other people from the community. It was interesting, because that issue comes up with many community-based boards. Everyone says, "We need to have a lawyer on our board, we need to have an accountant on our board, we need to have this person and that person on our board," almost as if we were a corporation, but we're really a community-based board.

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I'm glad that you've acknowledged that there could be some challenges for you to make sure that you are not sending out the wrong messages to your colleagues on the board in terms of what your function is as you go forward as an appointee.

The other question I wanted to explore with you is the whole issue of the expanded mandate, which you mentioned in your remarks. I was interested to learn about your role in terms of the procedures and the development of how that's going to be handled at the board level, but I was particularly interested in seeing if you have any concerns about or opinions on the extent to which the board is able to address complaints, particularly around children's aid societies. I raise that because the focus is very narrow, as you know, in terms of what kinds of complaints or appeals can go to the board in regard to children's aid society matters. In Ontario, we don't have a broader oversight system for children's aid societies, so there is no third-party, independent, arm's-length person or place where people can go if their complaints are not addressed by the boards of those societies themselves. First of all, is that something that you have any opinion on at all, and secondly, how do you see the board dealing with some of those other complaints if they were to come forward?

Ms. Jennifer Scott: I have a couple of responses.

Under Bill 210, there are three levels of expanded mandate. I know that you're talking about the complaints against children's aid societies, but there's also the ability to review children's aid societies' decisions with respect to adoption and foster care. In that case, the board can actually rescind the society's decision, based on its new determination of "best interests of the child." That was one of the issues on the judicial review that I mentioned, because the children's aid society in that case really wanted the board to take a very narrow mandate, and the board said, "No; we get to decide." So that's pretty significant.

With respect to the children's aid societies, obviously it's a policy decision of the Legislature, but I believe that it's a very significant mandate. My life has been spent on people being able to make human rights complaints, and I don't believe that one should only be able to go to an external body like the Human Rights Commission to have one's human rights vindicated. In our society, we should have really effective internal processes for everybody to raise their complaints. I see the board's role as holding the societies accountable to meaningful processes. And if they aren't, they're going to find that their decisions are reviewed by the board, and if they are, the board won't have any work to do. I actually see that as very important and meaningful, because that's really what we want for people: to be able to go to their institutions and be heard. That's what the board is there to ensure happens.

Ms. Andrea Horwath: Then, from your years of practice in administrative law, you've come to a conclusion that whereas other provinces, for example, have an ombudsman function to hear the kinds of complaints that won't be captured by the amendments as a result of Bill 210—you don't see that as something that is a missing piece in the accountability framework for children's services in the province of Ontario?

Ms. Jennifer Scott: If the Legislature decided it wanted to give the board broader power, then I think that would be a good thing. But I don't actually believe that what's happening now is meaningless.

In the human rights context, if you can go to your employer and complain that you've been discriminated against and your employer fixes it, that's much better for the employer and much better for you than spending years in a human rights process. I feel the same way about children's aid societies. If they actually listen to their clients about the concerns that they have and they provide a meaningful response, at the end of the day, that's better for the system than having to complain to an external body. But the external body has to be present to make sure that happens.

I agree with you that it probably could be better, but I don't agree with the view that it's meaningless as it is now. I think it's important.

Ms. Andrea Horwath: No, and I don't think I ever indicated that I thought it was meaningless at all, but I do still think that there is—just to be clear on the record—an accountability gap or that there is a problem that we still have within the oversight system. Yes, these amendments and the new function of the Child and Family Services Review Board attempts to resolve some of those issues,

but there still remain issues of oversight and accountability that are not addressed in our current system.

Again, just to be clear, I'm not dissing the current—I'm not saying that this is not a step; what I am saying, though, is that I would hope that the government would see the wisdom of providing full oversight in an independent fashion, so that for those cases that cannot, by mandate, and will not be able to be reviewed by the board, there is another place for people to go because quite frankly—and again, not to diminish at all the importance of children's aid societies and the good work that they do—the acknowledgement of the power that they have, I think, is extremely important, in terms of how it affects children and families. That was the point.

Anyway, I do thank you for coming and giving your responses to the questions. There are a couple of other ones, but I think really at this point, it's a matter of having gotten some of those issues on the record, and I appreciate that you were as frank about them as you were. Thank you very much.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much, Chair, and I want to say thank you very much, Ms. Scott, for being here today and for applying for the position. I think that the board will benefit greatly from your involvement as vice-chair.

The Chair (Mrs. Julia Munro): That concludes the questions. I certainly appreciate you coming here today.

WALTER SENDZIK

Review of intended appointment, selected by official opposition party: Walter Sendzik, intended appointee as member, Liquor Control Board of Ontario.

The Chair (Mrs. Julia Munro): Our second interview today is with Walter Sendzik, intended appointee as member, Liquor Control Board of Ontario.

Good morning and welcome to the committee. As you may have observed, you have a few minutes in which to make any statement you wish, and then we'll take questions from the members of the committee. Begin when you're ready.

Mr. Walter Sendzik: Good morning. Thank you, Madam Chair, and members of the Standing Committee on Government Agencies for this opportunity to present my credentials. My name is Walter Sendzik, and I would first like to say that I'm honoured to be considered for appointment to the LCBO board. I understand that each of you has a copy of my CV; therefore, I will focus on those aspects of my background that I believe are most relevant to evaluating my credentials and suitability for the position of LCBO board member.

I am currently the executive vice-president and general manger of the St. Catharines-Thorold Chamber of Commerce. During my tenure with the chamber, I have overseen the merger of the St. Catharines and Thorold chambers, which created a unified chamber with more than 1,000 members representing over 27,000 employees. The chamber is the largest in Niagara and one of the largest in southern Ontario now. This position provides me with a very clear understanding of the business opportunities and challenges facing this part of Ontario, and the contributions that Niagara region makes to the provincial economy.

Prior to my appointment to the chamber, I briefly worked with Osprey Media, managing its Niagara magazine division. The division included Vines Magazine, a food and wine magazine I founded in 1998. Originally focused exclusively on Canadian wines, Vines evolved to include international wines. I published the magazine for six years and added other titles to the company, including wine travel magazines. During this time, I co-authored a series of books on Canadian wine with Christopher Waters. In 2004, the company was sold to Osprey Media. I no longer have any financial or editorial commitments to the magazine or to Osprey.

Over the course of my publishing career, I've had the good fortune to travel to many of the world's great wine regions, and I've even been able to visit a few of the spirit producers as well. This has given me a strong foundation in understanding the complexities of wine distribution and the global forces that shape consumer trends and competition here in Ontario.

As a resident of Niagara and a keen wine industry observer, I've also witnessed the growth of the Ontario wine industry. When I started the magazine, there were only 35 wineries in Ontario; now there are more than 120. Through Vines and my directorship on the Niagara Wine Festival, I have gained a great appreciation and knowledge of the industry and a great deal of respect for the winemakers and grape growers.

It was a colleague, friend and former member of the LCBO board, Dr. Linda Bramble, who suggested I put my name forward as a candidate for the board. Given that she was moving on to pursue wine industry opportunities and was reluctant to resign from the LCBO board, she suggested that my background in the industry and business knowledge would make me a suitable candidate for consideration for board membership.

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I applied online and was notified by the Public Appointments Secretariat that I was being considered. Philip Olsson, chair of the LCBO, then interviewed me at length about my interests and qualifications.

As I explained to Mr. Olsson, in addition to my experience in the wine industry and in publishing, I've served on a number of other boards. Of note, I was a founding member of the Binational Tourism Alliance, a partnership between New York state and Niagara focusing on tourism. I am currently a board member of the Hotel Dieu Shaver rehabilitation centre in Niagara and the Business Education Council of Niagara, and a member of the fundraising cabinet for the United Way in St. Catharines. There is also a host of other board and committee memberships that come with being an executive director for the St. Catharines-Thorold Chamber of Commerce.

Again, thank you for considering my appointment to the board of the LCBO. As you know, the LCBO is an important crown corporation that provides an annual source of revenue in excess of $1 billion to the Ontario government, helping to fund health care, education, infrastructure and a host of other programs. As importantly, its high standards in responsible retailing help prevent sales to minors and intoxicated adults to ensure the safe and responsible enjoyment of wine, beer and spirits as part of a balanced lifestyle.

Thank you for this opportunity to address the committee, and I would be pleased to answer any questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Horwath.

Ms. Andrea Horwath: Thank you for coming in today to the committee. One of the issues that's been on the front burner, I guess, in terms of the LCBO is the switch to more environmentally progressive packaging, particularly around paper bags. Any opinion on that move?

Mr. Walter Sendzik: I think it's a general trend in retailing that you're seeing, whether it's at the grocery stores or at LCBO. As an environmental matter, I'm sure the LCBO is undertaking to examine the sustainability and the importance of environmental initiatives. In terms of my opinion on that, I think it's a trend that we're seeing in retail in general.

Ms. Andrea Horwath: So do you think it's a good trend or a bad trend?

Mr. Walter Sendzik: Again, looking at it from a retail point of view, you're seeing a move away from that, so obviously it's a trend that has a benefit to the environment. I imagine that, as an organization, as a corporation, they have their environmental research and it has been able to show that moving away from plastic to bags may be a more suitable move for the environment.

Ms. Andrea Horwath: All right, but you don't have a personal opinion on whether you think that's a good way to go or not?

Mr. Walter Sendzik: At this point in time, I bring my own bags for retail shopping, so that would be a personal opinion. I prefer to use my own bags.

Ms. Andrea Horwath: So you're trending with the trend?

Mr. Walter Sendzik: Yes.

Ms. Andrea Horwath: That's good to know. It took me a lot to get it out of you, but nothing to be embarrassed about, I would say.

Mr. Walter Sendzik: I like plastic when I have to go for a dog walk, but that's about it.

Ms. Andrea Horwath: Yes, me too. Paper doesn't quite work for that. That's very good.

One of the other issues that's outstanding currently—actually, it's been on the burner for a long time—and creates significant debate and discussion is the issue of agency stores. Can you tell me what you know about that rather controversial issue and give me an overview of your perspective?

Mr. Walter Sendzik: Really, what I know is what I've gathered from the media. I'm aware of agency stores and where they exist. In my own catchment area, there are no agency stores. I think there's one out in Vineland. As to my overall impression of them, I don't really have an opinion at this point from a corporate perspective or a board perspective. It's not something that I've looked into, so I don't really have in-depth knowledge on the agency store system itself.

Ms. Andrea Horwath: It's interesting, because the agency stores were first introduced as a solution in more remote communities—maybe not remote, but communities that don't have the population to support a full LCBO store. I guess the trend over the last several years has been to introduce agency stores more and more into southern Ontario as a way to provide service without providing the actual LCBO store itself. This has raised issues, particularly for the workforce, but also concerns about differences in hours of operation and those kinds of matters.

I'm wondering if you have any kind of perspective on whether agency stores would be unfairly competitive, if you will, by holding hours that are different from the hours that are held by an LCBO outlet.

Mr. Walter Sendzik: Again, it is a good question. It's something that I haven't formed an opinion on, as I haven't been privy to the knowledge or the reasons behind their choosing of hours. It's something that as a board member I'd be very interested in looking into.

I do know, from an agency perspective—and I may be confusing these, but there's an agency store in Vineland and it does have a number of VQA wines that wouldn't be widely available through other parts of the region. So that has been a benefit just in terms of availability for the tourists coming through who can't hit all the wineries there are. On that stretch of 35 wineries, they can't hit every one, so they're able to go to that smaller agency store to access those wines. That's the extent of what I know about it, but as a board member I'd be very interested to see where they're going with it and the rationale behind some of their reasoning.

Ms. Andrea Horwath: It would be hard to hit all those wineries in one go. I grew up in Stoney Creek and I've done that wine tour a couple of times—never driving, though.

You indicated that you began the process of applying for this position through informal discussion and then the Internet, but in this committee we often want to have an understanding of whether or not there is any other kind of political connections with appointees and the government of the day. So are you a member of any political party at this point?

Mr. Walter Sendzik: At this point, no.

Ms. Andrea Horwath: Have you ever been a member of a political party?

Mr. Walter Sendzik: Yes, I have been.

Ms. Andrea Horwath: Can you tell me which political party you were a member of—or parties?

Mr. Walter Sendzik: Parties, plural. Again, due to my job, I'm not allowed to hold memberships, as we remain bipartisan. Previously, I have been a Liberal card-carrying member. Of note, I've also participated in a number of different fundraising events that have crossed the different political boundaries, through my current position, in order to access members, to promote, provide or update people with the ability to move agendas along on business issues. I have been a card-carrying member of the federal Conservatives for a period of time due to a golf tournament that I participated in. I was on that.

Ms. Andrea Horwath: Golf tournaments usually mean money, which is a good segue to my next question: Have you ever donated to political parties, and if so, which ones and what kinds of sums?

Mr. Walter Sendzik: In terms of my position over the past two years, I have donated to a number of different fundraising events that would be political in nature. I would be paying for them myself, and those would be both Liberal and Conservative events. Again, it's an opportunity for me to bring the issues of my membership to those who are in a position of authority. So I've been to a number of different ones.

Ms. Andrea Horwath: So you don't have an amount of money that you might have donated?

Mr. Walter Sendzik: No, I don't.

Ms. Andrea Horwath: You're the executive director of the chamber of commerce for—

Mr. Walter Sendzik: St. Catharines-Thorold.

Ms. Andrea Horwath: St. Catharines-Thorold. And that's a paid position?

Mr. Walter Sendzik: Yes.

Ms. Andrea Horwath: The chamber does not purchase the tickets on your behalf for these kinds of events?

Mr. Walter Sendzik: I would purchase them myself and then the chamber would reimburse. I might be confusing the federal and provincial regulations, but I don't think businesses are allowed to—

Ms. Andrea Horwath: That would be federal.

Mr. Walter Sendzik: Okay, so that would be my confusion. That's where I would pay for it myself. Then the chamber would reimburse.

Ms. Andrea Horwath: Oh, I see, so you're following the rules.

Mr. Walter Sendzik: Trying.

Ms. Andrea Horwath: Well, that's good to know. Okay, thank you very much. That's all I have.

The Chair (Mrs. Julia Munro): Thank you. We'll go to Ms. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Mr. Sendzik, for appearing before the committee. I think your sense of humour, as you demonstrated earlier, is going to stand you in good stead as you go forward with this. Thank you.

Mr. Walter Sendzik: I appreciate that.

The Chair (Mrs. Julia Munro): Now we will go to the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Just to clarify the record, going to a Conservative golf tournament by no means suggests that you are a card-carrying member of our party. Do you believe your political connections with the Liberals and your affiliations would affect your ability to make non-partisan decisions when it comes to this board?

Mr. Walter Sendzik: No, definitely not. I think something I've learned quite well over the past two years is that being bipartisan is understanding the issues, being fully knowledgeable of the decisions that are being made and removing any kind of partisanship out of any decision that I have to make. It's incumbent upon me in my job, and I think it's something that I've learned well over the past number of years.

Ms. Lisa MacLeod: What do you see as some of the major challenges facing the board?

Mr. Walter Sendzik: Facing the board: There's the new strategic plan that will be coming out. I know that the current strategic plan will run through to—it's final at the end of 2008, so I imagine that there will be the second strategic plan. I don't know what the focus in that will be, but I think you're seeing the environmental issues at the forefront. I think the social responsibility, the role that the LCBO plays, is vitally important to Ontario, and also in terms of the development of the industry as a whole, whether it be the Ontario wine industry or the industry of providing the retail market for alcohol distribution. Those are key areas that are going to continue to play a role, moving forward over the next five years as well.

Ms. Lisa MacLeod: Thank you. My colleague, do you have any questions?

Interjection: No, thanks.

The Chair (Mrs. Julia Munro): That concludes the questions. Thank you for coming today.

Now we will deal with concurrences. We will now consider the intended appointment of Jennifer Scott, the intended appointee as member and vice-chair, Child and Family Services Review Board/Custody Review Board.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Ms. Jennifer Scott.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mr. Michael A. Brown: Recorded vote.

The Chair (Mrs. Julia Munro): Recorded vote.

Ms. Lisa MacLeod: Madam Chair, under the standing orders, we're entitled to a 20-minute recess for every recorded vote, and I'd request at this time that we have that recess.

The Chair (Mrs. Julia Munro): All right; that's fine. We'll recess for 20 minutes.

The committee recessed from 1000 to 1020.

The Chair (Mrs. Julia Munro): I call the committee to order. Any other discussion? If not, all in favour?

Ayes

Albanese, Brown, Hillier, Horwath, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): Opposed? Seeing none, the motion is carried.

We will now consider the intended appointment of Walter Sendzik, intended appointee as member, Liquor Control Board of Ontario.

Mrs. Maria Van Bommel: I move concurrence in the appointment of Walter Sendzik.

The Chair (Mrs. Julia Munro): Any discussion?

Mr. Michael A. Brown: I'd like a recorded vote.

Ms. Lisa MacLeod: A 20-minute recess.

The Chair (Mrs. Julia Munro): The committee is recessed for 20 minutes.

The committee recessed from 1021 to 1041.

The Chair (Mrs. Julia Munro): I'd like to call the committee back to order, please. We have had concurrence moved. Any other discussion? If not, all in favour?

Ayes

Albanese, Brown, Horwath, MacLeod, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): Any opposed? Seeing none, the motion is carried. This concludes our business on intended appointments.

I would just indicate to you that in reference to the final point on the agenda, we will have a subcommittee meeting early next week. At that point, for next week's meeting, which will begin at 9 a.m., we will have a subcommittee report to bring to you.

Thank you. The committee stands adjourned.

The committee adjourned at 1042.

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Tuesday 10 June 2008

Journal des débats (Hansard)

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Intended appointments

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 10 June 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 10 juin 2008

The committee met at 0900 in room 228.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Julia Munro): I'll bring the committee to order, and good morning. We are going to begin our agenda this morning with the report of the subcommittee on committee business, dated Thursday, June 5.

Mrs. Liz Sandals: I move that the report of the subcommittee dated Thursday, June 5, 2008, be adopted.

The Chair (Mrs. Julia Munro): Thank you. Any discussion? If not, all in favour? Opposed? The motion is carried.

Our second order of business is the report of the subcommittee on committee business dated Tuesday, June 3, and Monday, June 9, relating to agency reviews.

Given that we have witnesses scheduled before us, I would suggest that we postpone consideration of the second subcommittee report until the end of today's meeting. Agreed? Okay, thank you very much.

Mrs. Liz Sandals: Can we do the report?

The Chair (Mrs. Julia Munro): I was just going to say that since we were trying to accommodate our guests and they're not here, could we move to the subcommittee report of Tuesday, June 3 and Monday, June 9?

Mrs. Liz Sandals: I move that the report of the subcommittee dated Tuesday, June 3, and Monday, June 9, be accepted.

The Chair (Mrs. Julia Munro): I need to ask you to read it into the record.

Mrs. Liz Sandals: The whole report?

The Chair (Mrs. Julia Munro): The whole report.

Mrs. Liz Sandals: Your subcommittee on committee business met on Tuesday, June 3, and Monday, June 9, 2008 to consider the method of proceeding on agency reviews, and recommends the following:

That the list of agency reviews to be conducted during the summer and winter recesses be revised to read as follows—two selections per caucus:

Selections of the official opposition:

Ontario Educational Communications Authority (TVOntario)

Ontario Racing Commission.

Selections of the third party:

Ontario Securities Commission

Ontario Infrastructure Projects Corporation (Infrastructure Ontario).

Selections of the government caucus:

Human Rights Tribunal of Ontario

Ontario Trillium Foundation.

(2) That the committee meet on September 11, 17, and 18, 2008, to conduct its agency reviews and on September 12, 2008, to conduct its follow-up reviews, subject to change and witness availability.

(3) That the order for consideration of the selected agencies in round one during the summer recess be:

First: Ontario Educational Communications Authority (TVOntario)

Second: Ontario Infrastructure Projects Corporation (Infrastructure Ontario)

Third: Ontario Trillium Foundation.

(4) That the committee advertise the agency reviews on the Ontario parliamentary channel and on the Legislative Assembly website, and that any additional decisions regarding advertising be made by the subcommittee on committee business.

(5) That the subcommittee on committee business be authorized to meet to determine whether any travel would be involved in conducting the agency reviews.

(6) That up to one day of hearings be allotted per agency review, subject to extension by a majority vote of the committee.

(7) That the committee meet from 9 a.m. to 12 noon and 1 p.m. to 4 p.m. when conducting agency reviews, subject to change in witness availability.

(8) That the committee meet from 9 a.m. to 1 p.m. when conducting its follow-up reviews on September 12, 2008, and that up to two hours be allotted per follow-up review, subject to change in witness availability.

(9) That the research officer provide committee members with an introductory briefing of up to 30 minutes in closed session at the start of each agency review and follow-up review.

(10) That the agency chair, CAO and agency staff be invited to make a presentation to the committee on behalf of each agency selected.

(11) That each agency be allowed a five-minute opening statement, to be followed by questioning in rounds by each caucus.

(12) That one half-day, from 1 p.m. to 4 p.m., be allotted for stakeholder presentations if required, and that 30-minute presentation times be offered to stakeholder groups if required.

(13) That each caucus provide the clerk, by July 31, 2008, with a prioritized list of 12 stakeholder groups and

up to four alternate stakeholder groups per agency review that they wish to invite to appear before the committee.

(14) That each agency reviewed in round one be invited to appear before the committee for one additional hour per agency during the committee's regular meeting times in the fall session in order to respond to the stakeholder presentations.

(15) That a questionnaire be sent to each agency selected, indicating a deadline by which responses are to be submitted to the clerk of the committee.

(16) That the research officer prepare background papers on each agency selected prior to review by the committee, and that the research officer prepare summaries of the hearings prior to report writing by the committee.

(17) That the background information provided to the committee by the research officer contain information on any bills before the House, press releases and/or articles relating to the selected agencies.

(18) That the clerk of the committee, in consultation with the chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair (Mrs. Julia Munro): Discussion?

Mr. Michael Prue: In number 13, I'm not sure—the list I have says, "prioritized list of two stakeholder groups," and I heard "12." I'm not sure which one it is. I just want to be clear.

Mrs. Liz Sandals: Two is correct. I thought 12 was awfully much. I'm reading this for the first time, Michael. Two is correct.

I've just got one comment. As I just said, I'm not really on the committee, but just to note that on number 2, the dates seem a little bit odd in that we seem to be suggesting follow-up reviews before we've done all the initial agency reviews: 11, 17, and 18 and then follow-up on the 12th. The other observation is that I'm not sure that we, as a committee, can select the dates anyway. The committee dates would be agreed upon by the three whips in laying out the entire summer committee schedule. So I think we just need to note that the whips would be dealing with the dates, that it won't necessarily be these dates.

The Chair (Mrs. Julia Munro): It's our role to offer these to them. Obviously, it's subject to the House leaders in that final decision.

Mrs. Liz Sandals: Could you explain, because I wasn't there then, why the 12th was chosen for follow-up?

0910

The Chair (Mrs. Julia Munro): The follow-up refers to last year's—

Mrs. Liz Sandals: Okay. Now I understand.

The Chair (Mrs. Julia Munro): So that's why it would look odd that we're having a follow-up before—

Mrs. Liz Sandals: Okay. Now I understand.

The Chair (Mrs. Julia Munro): Any other questions about the materials here? All right. Seeing none, all in favour of the subcommittee report? Opposed? The motion is carried. Thank you very much. And thank you, to the member, for a rather long subcommittee report.

I'm just getting direction here as to whether or not our intended appointees are here. I'm advised that our candidates are having difficulty getting here and so—yes, I think we do have someone. Just a moment. All right. I'm advised that we have our second intended appointee for this morning.

INTENDED APPOINTMENTS

JAVAID KHAN

Review of intended appointment, selected by official opposition party: Javaid Khan, intended appointee as member, Council of the Ontario College of Pharmacists.

The Chair (Mrs. Julia Munro): I would ask Mr. Javaid Khan, who is the intended appointee as member, Council of the Ontario College of Pharmacists, to please come forward and join us.

Good morning, and welcome to the committee. You have an opportunity to make some statements yourself and then we will have questions from the various members of the committee. When you're ready, please begin.

Mr. Javaid Khan: Honourable members of the standing committee, Chair, Vice-Chair and ladies and gentlemen, good morning. It is my extreme pleasure to be here today in front of all of you to answer any questions that you may have regarding my appointment as a member of the Council of the Ontario College of Pharmacists.

My name is Javaid Khan. I'm married, with three beautiful daughters. The eldest one has completed her education and is presently working as an executive assistant to the president of a Toronto IT company. The second one has graduated with a four-year B.Sc. honours degree, with distinction, from York University and has been accepted at the University of Toronto master's program in occupational therapy. The youngest one has completed her second year at York University, majoring in law and society.

I immigrated to Canada in 1974 and lived in Montreal until 1986 before making Toronto my home. I have been a resident of the town of Markham since 1987. I have a diploma in hotel management from Concordia University in Montreal. During my hospitality career, I held the positions of food and beverage manager, assistant financial controller and hotel duty manager.

I moved to Toronto in 1986 and, after taking some short courses in computer programming, I joined Aetna Canada and the Imperial Life Assurance Co. of Canada as a systems analyst. In 1989, I joined the Ontario Real Estate Association and the Toronto Real Estate Board as a licensed real estate professional. During my 19 years in the real estate business, I have been blessed with numerous performance and achievement awards. In 2004, I was also awarded the Who's Who community service award and, in May 2008, the community service award for outstanding support and service to the community.

Besides my involvement in the community, I have been a member of regulatory bodies like the Canadian

Society of Immigration Consultants and the Real Estate Council of Ontario. I have also served for two years on the town of Markham's Milliken Children's Festival committee, and I've been on the Markham Canada Day committee for the last nine years. I was also appointed to the Markham Race Relations Committee by Mayor Frank Scarpitti, and I am a member of the policy subcommittee. I'm currently serving as the president and the chair of the board of directors of the Islamic Foundation of Toronto, a non-profit organization with NGO status.

I was a member of the Ontario Liberal Party in the past, but I have supported candidates from the Progressive Conservative Party and the NDP when I thought that their manifesto and mandate appealed to me. I also helped in the election campaigns of any candidates whom I supported without looking at which party they belonged to. I can speak English, Urdu, Punjabi, Swahili—which is an east African language—and some French.

In the end, I would like to say that, being self-employed, having community involvement experience and being on the board of regulated and unregulated public committees, I want to bring my experience and my expertise to contribute to the benefit of the Council of the Ontario College of Pharmacists. It will be an honour for me to be a member of this council. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much. This morning we will be commencing our questions with the official opposition.

Mr. Randy Hillier: Good morning. Thank you very much for coming here today and being a little bit earlier than some of the other ones.

You mentioned you had been a member of the political parties. Have you also contributed to political parties in this province? If so, which ones?

Mr. Javaid Khan: I only contributed up to the point of the annual membership dues. I think I haven't done that for the last couple of years.

Mr. Randy Hillier: But you've not donated to—

Mr. Javaid Khan: I haven't donated any money.

Mr. Randy Hillier: How did you find out about this? I see that you've applied for a number of other appointments.

Mr. Javaid Khan: Yes, I did.

Mr. Randy Hillier: How did you come to be aware of those appointments, this one particularly?

Mr. Javaid Khan: Through the Public Appointments Secretariat. Also, I have some friends who are on the committee, like Dr. Thantri. He's a member of one of the committees. We meet in the mosque, and he mentioned that with my experience in the committees and in policy-making with the town of Markham—he actually asked me if I could bring my expertise to the provincial level and contribute to these committees, where at least my thoughts would be counted.

Mr. Randy Hillier: As I was going through it, you do have a very good background, but you don't have very much expertise in the pharmacy business, one might say. How do you feel that that is going to affect your decision-making and your review and analysis of things that come before you, without that background and experience?

Mr. Javaid Khan: If I'm not mistaken, there will be a president and vice-president on the committees. I think I'll be taking my direction from them. By looking at what other committees we do have—as I was going through the information, what I came across was that, besides the executive committee, there are lots of other committees where I might be put to use, to use my expertise and to contribute, of which I'd like the discipline committee, the fitness-to-practise committee and the quality assurance committee. With my organizational skills working in the positions of manager and the president of the largest organization in Canada, the Islamic Foundation of Toronto, I think I will be more than happy to contribute to those committees and at the same time take my direction from the committee.

Mr. Randy Hillier: Did you have any interviews with anybody from the ministries or from the college before applying?

Mr. Javaid Khan: No, I did not have an interview, but I was interviewed over the phone to make sure that I know what's demanded out of this position. That's the only thing, and I took some notes on the computer from the Internet to go through the information provided to me.

Mr. Randy Hillier: Okay, thank you. That's all for me.

0920

The Chair (Mrs. Julia Munro): Ms. Scott.

Ms. Laurie Scott: I thank you again for appearing before us today. I wanted to follow up a little bit—there's been quite a lot of discussion about pharmacists. There's rural and urban. Mr. Hillier and I represent predominantly rural ridings. I notice the composition of the board: I think there are nine members—actually, 10—from the GTA on the board right now, on the council. I just wanted to highlight that because we do have some specific concerns in rural Ontario with our pharmacists being able to keep the doors open with the regulatory changes that have come down from the government. I didn't know if you were aware of that issue and, if not, I was kind of highlighting that issue to you today. I didn't know if you had any comment.

Mr. Javaid Khan: As far as our rural areas are concerned, I think my objective and my views will be that we should pay as much attention as possible to our rural areas, the pharmacies and the practitioners in those areas. The best way to do, I think, is that we should take the input from them and have regular meetings and communications open with those areas to see what their demands are or where we are lacking any services to those areas.

Ms. Laurie Scott: Pharmacists and their changing of the scope of practice and that they may possibly be able to change the scope of practice so that they write prescriptions has been in the newspapers lately. In rural Ontario—for example, in my riding I have over 35,000

people without a doctor. Do you have any comment on how you feel about maybe the pharmacists changing the scope of practice? I realize you're a public appointee on the board, but I just didn't know if you'd followed that issue a bit.

Mr. Javaid Khan: Yes, I've heard about it. I know it isn't being publicly talked about, but my view would be that it will be the policy-making of the people in this department and in the ministry in consultation with the public. I will take whatever decisions come from the chair and the vice-chair and the people concerned. I will go by their suggestions to me as a member of the committee.

Ms. Laurie Scott: Okay. Thank you very much. I'd just like to re-emphasize the point that there are a lot from the GTA area who sit on the council, so as long as you keep rural Ontario and its specific needs in mind, I'd appreciate that. Thank you.

Mr. Javaid Khan: You're welcome.

The Chair (Mrs. Julia Munro): We'll move on to Mr. Prue.

Mr. Michael Prue: Just a couple of questions. I'm not exactly sure, looking at your professional and employment background—are you in fact making your living today as a real estate agent?

Mr. Javaid Khan: Yes, sir.

Mr. Michael Prue: Okay. And it looks like you've made your living as well as an immigration consultant between 1994 and 2007. Was that part-time or full-time? How did those two jobs jibe?

Mr. Javaid Khan: Actually, I have one office and I conduct my business out of that office, and it goes hand in hand. But for my primary livelihood I depend on my real estate transactions.

Mr. Michael Prue: You were a member of the immigration consultants association—

Mr. Javaid Khan: The Canadian Society of Immigration Consultants.

Mr. Michael Prue: —CSIC, from 2006 to 2007. Are you still a member?

Mr. Javaid Khan: No. Actually, as you said, it was becoming difficult for me to run the immigration business as well as real estate. As you know, real estate in the last three or four years has been great. So I made my choice to let the immigration business go and keep on practising as a professional realtor.

Mr. Michael Prue: I just want to be sure: You left the business voluntarily, and did you leave the society of immigration consultants voluntarily?

Mr. Javaid Khan: I left it voluntarily, yes.

Mr. Michael Prue: All right. So there was no bad blood? They didn't kick you out or anything like that?

Mr. Javaid Khan: No.

Mr. Michael Prue: Okay. I know that quite a few have been, so I just want to make sure you're not one of them.

The job that you are requesting to have is completely out of your line of expertise over many years. What motivated you to want to get into pharmaceutical? Or was this just a committee that was available?

Mr. Javaid Khan: If I'm not mistaken, I applied in three categories: the council of doctors and surgeons, psychologists, and pharmacists. I was approached by the Public Appointments Secretariat that this will be appropriate for me, in the sense that it will still bring in my expertise on the Markham regulatory bodies where I am a member. I have been contributing to those committees for the past 10 years.

Mr. Michael Prue: Part of the duties, should you get the position, would be to sit on the board, but you may be called upon to function in a quasi-judicial role, with respect to suspension and revocations of certificates. Have you ever had any experience sitting on a quasi-judicial body?

Mr. Javaid Khan: I have dealt with many mediation and reconciliation matters while I was on the board of directors of the Islamic Foundation. As I said, being on the Markham race relations committee, we were also looking into the liaison between the York Regional Police department and the youth in our riding.

Mr. Michael Prue: When you were an immigration consultant, did you appear at all, ever, before the immigration refugee board or immigration refugee determinations or any of those?

Mr. Javaid Khan: No, I haven't.

Mr. Michael Prue: So, that did not allow you to interact with a quasi-judicial body at that function that you did?

Mr. Javaid Khan: Not through the Canadian Society of Immigration Consultants, no.

Mr. Michael Prue: Those would be my questions. Thank you.

The Chair (Mrs. Julia Munro): We'll move to the government.

Mrs. Liz Sandals: Thank you, Mr. Khan, for coming in. You've obviously got a wealth of experience in the community and with regulatory agencies. So thank you very much, and we wish you well.

Mr. Javaid Khan: You're welcome.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes our questions. We appreciate your being here and being able to accommodate us a little out of the original time schedule.

Mr. Javaid Khan: It was my pleasure. Thank you very much.

The Chair (Mrs. Julia Munro): I've been advised that our next interview is probably going to be about 10 minutes from now, so I'm going to call a recess for 10 minutes.

The committee recessed from 0926 to 0936.

PAM FROSTAD

Review of intended appointment, selected by official opposition party: Pam Frostad, intended appointee as member, Ontario Racing Commission.

The Chair (Mrs. Julia Munro): I would like to invite the intended appointee as member of the Ontario Racing Commission, Pam Frostad, to come forward.

Good morning, and thank you for being able to join us at this point and take part directly. As you may know, you have an opportunity to provide some comments first, and then we'll have questions from the members of the committee. Welcome, and you may begin.

Ms. Pam Frostad: Thank you very much. Good morning to the Chair and to the committee. I've been called to appear before the committee regarding my intended appointment to the racing commission in the role of a commissioner. You will have reviewed my application and had an opportunity to absorb some knowledge of my personal background, my professional experience and expertise and why I feel confident that I am a strong candidate for this position. However, I would like to take a few moments just to elaborate.

It has been truly a great pleasure and privilege for me to experience some level of involvement in the world of horse racing for well over 30 years. From the beginning, I became an avid fan of the entertainment value of the sport, and over the years my relationship with the industry evolved as a sometime racehorse owner, breeder, industry marketer, volunteer fundraiser and currently working with my husband, who is a thoroughbred horse trainer as well as a director of the Woodbine Entertainment Group. My husband has worked in horse racing, in various capacities, throughout his entire career. However, my primary professional life has revolved around the world of advertising and marketing.

Over two decades, I have attained management status as a writer and creative director for leading advertising agencies and marketing organizations. I've managed departments and directed teams that were responsible for campaigns for everything from packaged-goods products to retail services to government ministries. Happily for me, at one point in my career, our account roster included the world of horse racing. We were commissioned by the Ontario Jockey Club to produce advertising on behalf of the harness and thoroughbred industry. That relationship evolved and the Ontario federation of marketers asked us to produce a television campaign, which was picked up throughout North America and was a very interesting exercise.

Once again, it gave me an opportunity and an insight into another side of the horse racing industry, which was a wonderful opportunity for me. I became aware of aspects of the industry that had never occurred to me—the real public perception, the internal dynamics and the competitive positioning of the racing industry. Furthermore, as a senior executive, I've been responsible for the day-to-day management of department personnel. I've dealt with the challenges of human resources, relentless deadlines, client service issues, and, of course, stringent performance accountability.

My involvement in horse racing, though, has meant exposure to racetrack life over three decades, across Canada, throughout the US and even Japan. It's taken me on a great adventure. It's taken me from the shed rows of the backside barns to the turf clubs to the grandstands to the farms, and I've met all kinds of fabulous personalities, both equine and other kinds. They've all come together in a pretty fabulous way to create a very complex and gorgeous industry, but one that is facing a rapidly burgeoning, changing menu of challenges, not unlike, of course, many other quadrants that you folks are dealing with, but they certainly have an intensity around that issue.

It's certainly a long way from the time in the 1970s when I took my first trip out to Woodbine, or that first farm in Beamsville. We witnessed the proliferation of teletheatre betting, offshore betting, Internet wagering, the whole pharmaceutical issue, the television racing network—you can stay at home and enjoy that—casino-racing partnerships, that symbiotic relationship that is forging positively ahead for all of us, the new synthetic racing surfaces and just a stunning menu of competitive entertainment options for the fan base, and much, much more on the horizon.

I've always been struck by the resilience, the work ethic and the passion for the product throughout the horse-racing industry—the beautiful horses, the very talented trainers, jockeys and drivers and the thousands—in fact, I think there are more people working in the racing industry than the automotive industry in this province. You can correct me on that, but I was just thinking that as I sat here. They care so deeply about their community and they deserve a culture of integrity, stability, predictability and all the good things that any industry deserves. As well, the lifeblood of the industry—the betting public, the generations of loyal fans who love the sport of handicapping and who respect the horses and horsemen who generate that entertainment for them—also deserve a product with absolute honesty and integrity.

The mandate of the racing commission has never been more critical, more core, to the ongoing success of the racing industry. I'm personally committed to maintaining that integrity, and I genuinely hope that I will have the opportunity to sit as a commissioner on the Ontario Racing Commission. With that in mind, thank you very much.

The Chair (Mrs. Julia Munro): Thank you. We're going to begin our questioning with the third party. Mr. Prue.

Mr. Michael Prue: I don't know why you've been called here today. It seems that you have everything we could possibly want in a commissioner.

Ms. Pam Frostad: Thanks.

Mr. Michael Prue: I guess the only question I have is around the future. Where do you see the future of racetracks? I know that there was a time that it looked like they may be going under, until the slot machines arrived. Now it looks like everything is fine. Or is it fine? Are the racetracks, the owners of the thoroughbreds—is there enough money coming out of slot machine revenues to sustain this industry? Is more needed?

Ms. Pam Frostad: Wow, you know what? The scope of that question—it's a core question. Racetracks are apples and oranges; one racetrack is not the other racetrack. It's not a simple answer. The relationship at Woodbine is different from the one in Fort Erie. It's a complex question. I think that the economy is an issue, of course, as in any industry. The relationship between the casinos and the racetracks is a very healthy one, as I said; quite a symbiotic one. I think the future is good because the product is fabulous. The challenge really lies in the nature of compliance, being able to keep the integrity within the horse industry. You have all been watching the big races and reading the papers. I think that offshore Internet wagering—you need to be able to have the money coming in to sustain your plant and your operation rather than on the Internet, where they can get a much more economically efficient bet.

That's my complicated answer to a question that—I think the future is positive, because we're attracting people who are standing up for the industry, people who can accomplish things and they care about it. From that standpoint, I think that's always a good time for any industry, so yes, I do think it's positive.

Mr. Michael Prue: Okay. In this job, from time to time, as a commissioner you will have the power to suspend violators or to impose and collect fines. Having been around the race industry for 30 years, you must know a great many of these people. Do you have any feelings about, or any difficulty in your head with, having to impose fines or suspend licences for people you've known, or know, or race against or are friends with?

Ms. Pam Frostad: I think you're basically talking to the conflict-of-interest issue, and there's no doubt in my mind that if I had any sense that any of my relationships would impact on my ability to adjudicate I would take myself out of that particular situation. I'm sure that the commissioner or the chairman of the commission would also remove me from any panel if he or she felt I would have an issue. So I don't think that would be a scenario that I would have to deal with. On a moral—if you're asking me as a human being, I have no problem doing the right thing.

Mr. Bruce Crozier: Good morning, and welcome to the committee. My question may be a little parochial, but are you familiar with Windsor Raceway?

Ms. Pam Frostad: Yes.

Mr. Bruce Crozier: We've had a problem, or I see a problem—because I'm from rural Ontario and horse breeding and horse raising is important to our economy—

Ms. Pam Frostad: Absolutely.

Mr. Bruce Crozier: —with Windsor Raceway in particular, but I think it may be at other tracks as well. There is always this question of dates, and it would appear that some track owners generally are trying to reduce the race dates, whereas the horse people want to race more and they want to keep their horses in the area.

The commission plays a vital role in that. What will you use as a kind of benchmark as to whether race dates should be reduced, stay the same or increased at various tracks?

Ms. Pam Frostad: It's a critical issue, obviously. Given that I live with a thoroughbred horse trainer—I think you want to keep people working. That has to be the goal. We want to keep people working at the track, on the farms, everywhere. That has to be the first priority. Having said that, you want them to be working in the best possible conditions.

0950

I don't know Windsor Raceway's particulars. I'm from London. I know the whole area, so I have lots of empathy for that part of the world. I'd have to listen to it. The horsemen want to work, but it's tough when you're up at 5 in the morning, seven days a week, then you're back racing, and then you've got to drive your horses back to the farm in the harness. We have to weigh all of those things as an industry. That's my answer at this point.

Mr. Bruce Crozier: Just one added comment: Were you disappointed that Big Brown didn't do it in the race last Saturday?

Interjection.

Mr. Bruce Crozier: I had actually been in Lexington last week and took a picture of Three Chimneys, where Big Brown is going to go to stud. I still hope he goes there.

Ms. Pam Frostad: Yeah, me too. I was.

Mr. Bruce Crozier: Thank you.

Ms. Pam Frostad: You're very welcome.

Ms. Laurie Scott: Thank you very much for appearing here. You do have an extensive background with the racing industry. I have a little bit of a follow-up to what was highlighted with Windsor and Fort Erie being in some trouble and being allotted some money to help with infrastructure needs and to rebuild.

In the background that was kindly provided by the research staff here, it mentions that the industry's share of slot revenues is the smallest of any slot machine program in North America. I don't know if you were aware of that, but I didn't know it till I read it here. I don't know if you saw that the government may have to take a look at that if more of our racetracks become in trouble. I know that when the slots were added to the racetracks, it saved my track in my riding of Haliburton–Kawartha Lakes–Brock then. But I just wondered, because of the different factors, if that was a possible consideration, that maybe you have to look at the whole restructuring.

Ms. Pam Frostad: Restructuring of the—sorry.

Ms. Laurie Scott: The monies that are allotted, like the share of the slots to the race industry.

Ms. Pam Frostad: With respect to Fort Erie, what I think is of more interest is the government's $2-million grant to get them on their feet, really. I think that is money well spent. I know that's also dedicated to creating some sort of entertainment complex around that, which will shore up that issue, because there are other relationships. In other words, it's not just, "Here's the casino, there's the racetrack"; it's also hoped that around

that, there will be entertainment complexes, hotels and restaurants. It will become an entertainment menu. I think that will offset just the two of them having to shore each other up—that relationship. I don't really have enough of an understanding about the inner workings of that whole scenario to give you a decent answer. My apologies.

Ms. Laurie Scott: That's okay. It's a learning curve when you get on the boards; I realize that.

Ms. Pam Frostad: But I am aware of the broad scope of those details, yes, and I love Fort Erie.

Ms. Laurie Scott: Well, I'll have to do a tour. I haven't been there myself.

Ms. Pam Frostad: It's a great track. It's a pretty, pretty track.

Ms. Laurie Scott: Thank you very much for appearing here before us today.

Ms. Pam Frostad: You're very welcome.

The Chair (Mrs. Julia Munro): That concludes the questions from the members. Thank you for coming today and being agreeable to changing your time.

Ms. Pam Frostad: Hey, no worries. Thank you.

WILLIAM MURRAY

Review of intended appointment, selected by official opposition party: William Murray, intended appointee as member, Social Benefits Tribunal.

The Chair (Mrs. Julia Munro): I'd like to ask Mr. William Murray, the intended appointee as member, Social Benefits Tribunal, to come forward.

Good morning, Mr. Murray, and welcome to the committee. I think you've probably already had more than a morning's share of problems.

Mr. William Murray: I think I should have used the transportation that's provided by the industry for the last witness. I might have gotten here a little earlier.

The Chair (Mrs. Julia Munro): Thank you for your perseverance. I would like to just explain that you have a few minutes in which to make comments and then we will have questions from the members of the committee. If you're ready, you may begin.

Mr. William Murray: Thank you very much, Madam Chair and the committee, for accommodating me. I appreciate it very much.

Thank you for the opportunity to come before you today to discuss my potential appointment as a part-time member of the Social Benefits Tribunal. What motivated me to apply for this appointment is my interest in community and social issues. This is also the reason I originally joined the Liberal Party. I have been a member of both the provincial and federal Liberal parties and have donated to the party in the past.

My past employment, both as a business owner and employee at senior staff level, has provided me with many useful and transferable skills. These skills include the ability to listen and show good judgment, fairness and the absence of bias in reaching decisions, all attributes that I believe will allow me to perform the duties required of a member of the tribunal. I believe that I possess the calmness and composure to hear both sides of an issue and resolve the dispute according to the legislation as set out in the acts.

There are many issues facing low-income people in the province. These people have to make tough decisions, sometimes between food and shelter. They may have severe health issues. There is an issue of daycare, an issue of not having the abilities to support their families.

I'm aware of the problems. I know that the tribunal is in a position to adjudicate situations where people feel wronged. The responsibility of the tribunal is to make sure the appellants have a fair and open hearing. There are many barriers that people face in appearing before a tribunal. These can be social barriers, language barriers and accessibility issues for the disabled, or their fears of dealing with what they perceive as authority figures.

Appearance before a tribunal can be a very challenging experience for an appellant, and the ability to make that person feel un-intimidated and comfortable is necessary. I believe I have the ability to put people at ease and allow them to effectively and fairly present their case before the tribunal.

The legislation plays an important role in making sure that there's a fair and equitable vehicle for the public to appeal decisions that they feel are unfair. The legislation also makes sure that the interests of the taxpayers of Ontario are being protected.

I feel that the skills I have learned in the past will allow me to be an effective member of the tribunal. Thank you very much again for the opportunity.

The Chair (Mrs. Julia Munro): Thank you. We'll begin our questions with the government.

Mrs. Liz Sandals: Thank you for coming this morning, Mr. Murray, and for persevering in getting here. I take it that it's one of those days when everything is closed down and the traffic is a mess.

Just briefly, could you tell us about the interview process that you went through?

Mr. William Murray: Yes. It was an extensive interview process. I was called in, I would say, mid-March, to appear for an interview near the end of March. I was there in front of three people unknown to me: the two vice-chairs and the CEO of the tribunal. It was certainly different than I expected. It was a longer process than I expected, very challenging, and also, after being interviewed and asked questions for close to an hour—maybe a little over an hour—there was a written part of the interview as well which lasted another hour.

Mrs. Liz Sandals: So you had to demonstrate the ability to write decisions and that sort of thing?

Mr. William Murray: Yes, I did. It was a test case.

Mrs. Liz Sandals: It sounds like a very thorough process, and we wish you well. Thank you.

Mr. William Murray: Thank you.

The Chair (Mrs. Julia Munro): We'll move to Mr. Hillier.

Mr. Randy Hillier: Thank you for being here today. Just a question for my own knowledge: Does this Social

Benefits Tribunal stay in Toronto or does it travel around the province hearing these cases for adjudication?

Mr. William Murray: There are members who reside in different parts of the province, but it's based here in Toronto, and some Toronto members also do travel. There are members all across the province.

Mr. Randy Hillier: Okay. I was just wondering: Somebody on ODSP or Ontario Works, up in Frontenac county or whatever, might not have the means to come here to plead their case.

1000

Mr. William Murray: Yes.

Mr. Randy Hillier: So is it one individual, the closest individual on the board to that person, or—

Mr. William Murray: I haven't been there yet, but I would assume that's the case. I do know that they hold hearings in many communities across the province. Obviously a person who is on Ontario Works might not have the resources to come to Toronto. Every accommodation, in my understanding, is made to make sure that they get a fair and open hearing, at their convenience.

Mr. Randy Hillier: Okay. You mentioned also that you—I don't know if you were a member of the Liberal Party or if you are a member of both the provincial Liberal—

Mr. William Murray: I am not currently a member.

Mr. Randy Hillier: But you have donated—

Mr. William Murray: I have in the past, yes.

Mr. Randy Hillier: In the past to both? Can you give me a few of the names of people or the candidates you have donated to?

Mr. William Murray: In the Liberal Party, I can go back to—

Mr. Randy Hillier: Just the last couple of years.

Mr. William Murray: The last person I donated to was Mrs. Lougheed in a by-election in Burlington.

Mr. Randy Hillier: Okay. I see that you have had a fair bit of involvement with the Liberal Party in the past.

Mr. William Murray: I have, yes.

Mr. Randy Hillier: I won't hold that against you. How did you come to be aware of this Social Benefits Tribunal and the appointment for it?

Mr. William Murray: I was actually at the Ontario government website and wanted to look for something in the social policy field and found this board. Then, from there I contacted the office of public appointments and was told what the process or the procedure was for me to apply.

Mr. Randy Hillier: One last thing: I see you've got a fair bit of experience also in retail. But on the quasi-judicial component of this, adjudicating and things, what experience have you got?

Mr. William Murray: I don't have any formal experience, but I feel that my experiences in life and my experience in the jobs I've had and the groups and organizations I've been involved with will allow me to fairly adjudicate situations.

Mr. Randy Hillier: Okay.

The Chair (Mrs. Julia Munro): Ms. Scott.

Ms. Laurie Scott: Earlier this year or late last year—I can't remember now—the workers who administer the program, who are municipal, so mostly it's flowed through the municipality for Ontario Works and ODSP, had come to a lot of our offices complaining of the workloads, that the caseloads were extremely high. Have you heard much about that, just saying that they can't adequately serve the clients because the caseloads had been extremely high? I don't know if you had a comment on that.

Mr. William Murray: I'm sorry, I've not heard about that and I'm not aware of that. Not having been active or been at the tribunal yet, no, I've not heard that.

Ms. Laurie Scott: Okay—anyway, just something for you to look into.

Mr. William Murray: Yes. Thank you.

Ms. Laurie Scott: There certainly have been opinions concerning the relationship between social assistance rates and poverty. As we know, Minister Matthews is out doing a poverty consultation, not necessarily open to the public but to invited guests, as my colleague from the third party often mentions. I didn't know if you had any comment on that relationship between social assistance rates and the poverty that we're hearing about.

Mr. William Murray: That's a legislative responsibility, and as an adjudicator I believe you have to stay neutral and really not have an opinion. You don't want to create any biases, and quite honestly, I don't believe I have the information or the expertise to make a comment on that.

Ms. Laurie Scott: There are also some changes coming down with the Ontario child benefit, and I know we've been getting lots of phone calls in our offices too. So, just to make you aware of that issue, it's changing the structure of the funding from the winter clothes allotment and putting that in. I just wanted to make you aware that that issue is quite predominant on the ground for those who are receiving the Ontario Works or the Ontario child benefits, that they're out there and it's going to be a change for them. I know our offices are already getting calls, and that the United Way in Kawartha Lakes has sent me letters concerned about that. I just wanted to highlight that coming down the pipe to you.

Mr. William Murray: Thank you.

Ms. Laurie Scott: Thank you very much for appearing here today.

The Chair (Mrs. Julia Munro): Mr. Prue.

Mr. Michael Prue: Sitting in adjudication of poor people, who often see the rules stacked against them—special diet allowance—if you get the job, will you be able to sit there and tell them that although the special diet allowance probably doesn't work, you're going to impose it anyway because that's what you have to do?

Mr. William Murray: You're right; it's what I have to do. We have to take direction from the legislation. That's the mandate of the tribunal, as I understand it. As long as we take that direction and interpret, that's our responsibility.

Mr. Michael Prue: Some adjudicators—I'm not sure if there are any on this particular board—have gone beyond what the legislation says and have used the charter and other instruments to point out government errors. Would you be willing to do that?

Mr. William Murray: No, I don't think that would be my responsibility. As a part-time member of the board, I think my responsibility is, as I said earlier, to make my decisions based on the legislation. I'm sure that in the wording in the legislation there might well be different interpretations, and I'm prepared to make decisions and stick by my interpretations.

Mr. Michael Prue: In my experience, most of the people, although certainly not all of them, who would come before the tribunal would be people who may have psychological problems, be poorly educated or have social problems, emotional problems that stuck them into poverty in the first place. How would you deal with those separately and apart from the more general population?

Mr. William Murray: I think you have to evaluate each case individually. You have to look at what their problems are, if there are problems. You obviously have to make them feel comfortable and at ease, as much as you possibly can. You have to accommodate if it's a language problem or if it's a disability. You certainly have to make sure that if translation is required, that's available to them. You have to make sure that if they have a disability, the meeting room that you have is accessible. As I say, I think you have to take each one individually, but it certainly is a concern. Without attempting or saying that you're typecasting the individuals who are on Ontario Works or ODSP, you certainly have to accommodate each individual.

Mr. Michael Prue: How would you deal with people who are not represented by counsel versus those who are? What would you, as an adjudicator, do? What differences would you do in the running of the appeal hearing?

Mr. William Murray: I think that without attempting to lead them, obviously you have to encourage them to be comfortable; you have to encourage them to make their point. You have to make them comfortable, encourage them to present their case in a proper manner, but you certainly can't prod them or lead them in any way. You have to make sure that what they're saying is their testimony.

Mr. Michael Prue: Often, though, in the hearings that I've been at, a person is up against a member of the bureaucracy whose job is to point out the government's position. They're educated people, usually with university degrees; some are lawyers. How would you enhance the opportunity of an unrepresented person to go up against such an adversary and still get a fair hearing?

Mr. William Murray: As I say, without having been around the tribunal or been in the situation, I just feel that a comfort zone has to be created for that individual. Again, I don't believe you can lead them. I guess you have to make sure they're aware of what the point is you're dealing with, because I imagine that in the tribunals—and I defer to yourself, who's been on a tribunal—quite often the testimony can lead away from the issue. I would have to make sure that the people are focusing on the relevant issue. These are decisions that were made by a director as much as a year or a year and a half previously. I think it's all the comfort level without prodding or leading the witnesses.

Mr. Michael Prue: Thank you very much.

The Chair (Mrs. Julia Munro): That concludes the questioning. Thank you very much for being here this morning.

Members of the committee, we will now move to the concurrences. I'm going to ask you in the order in which they appeared—

Mrs. Liz Sandals: In the order heard? Oh.

The Chair (Mrs. Julia Munro): —as opposed to the original order, so that that's clear for everyone.

Mrs. Liz Sandals: I move the concurrence in the appointment of Javaid A. Khan.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none, all in favour? Opposed? The motion is carried.

The second one is our third one—

Mrs. Liz Sandals: I move concurrence—

The Chair (Mrs. Julia Munro): If I could just finish.

Mrs. Liz Sandals: Oh, sorry.

The Chair (Mrs. Julia Munro): Okay, Ms. Sandals.

Mrs. Liz Sandals: I move concurrence in the appointment of Pam Frostad.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none, all in favour? Opposed? The motion is carried.

We'll move to the first one, which is the intended appointment of William Murray, intended appointee as member, Social Benefits Tribunal.

Mrs. Liz Sandals: I move concurrence in the appointment of William Murray.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none, all in favour? Opposed? The motion is carried.

That concludes the business of the standing committee.

I would just want to make two announcements to you. One is that, as we don't have certificates signed for next week, we will not be meeting next week. However, we do have others that are going to be before us, and that will require a subcommittee meeting, which will be called by the Chair.

This committee stands adjourned.

Mrs. Liz Sandals: So nothing next week.

The Chair (Mrs. Julia Munro): Right.

The committee adjourned at 1012.

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Official Report of Debates (Hansard)

Monday 18 August 2008

Journal des débats (Hansard)

Lundi 18 août 2008

Standing Committee on Government Agencies

Intended appointments

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Monday 18 August 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Lundi 18 août 2008

The committee met at 0901 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Julia Munro): Good morning, and welcome to the standing committee on agencies. First of all, following the agenda, we're going to look at the report of the subcommittee on committee business dated Thursday, June 12. I need someone to move its adoption. Mr. Brown.

Mr. Michael A. Brown: I so move the subcommittee report on committee business dated Thursday, June 12, 2008.

The Chair (Mrs. Julia Munro): Is there any discussion? If not, all in favour? Opposed? The motion is carried.

We'll move to our second order of business, which is the report of the subcommittee on committee business dated Thursday, June 19.

Mr. Michael A. Brown: I move the subcommittee report on committee business dated Thursday, June 19, 2008.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? Opposed? The motion is carried.

Our third order of business is the revised report of the subcommittee on committee business dated Thursday, July 3.

Mr. Michael A. Brown: I move the revised report of the subcommittee on committee business dated Thursday, July 3, 2008.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? Opposed? The motion is carried.

Our fourth order of business is the report of the subcommittee on committee business dated Thursday, July 17.

Mr. Michael A. Brown: I move the report of the subcommittee on committee business dated Thursday, July 17, 2008.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? Opposed? The motion is carried.

Our fifth order of business is the report of the subcommittee on committee business dated Thursday, July 31.

Mr. Michael A. Brown: I move the report of the subcommittee on committee business dated Thursday, July 31, 2008.

The Chair (Mrs. Julia Munro): Is there any discussion? All those in favour? Opposed? The motion is carried.

Ms. Lisa MacLeod: I was wondering when the transcripts will be available for this committee hearing today. Is it possible to get them for tomorrow?

The Chair (Mrs. Julia Munro): I would have to check on that for you and perhaps get back to you later during our meeting this morning.

Ms. Lisa MacLeod: Thank you, Madam Chair.

INTENDED APPOINTMENTS

ANDREW DIAMOND

Review of intended appointment, selected by official opposition party: Andrew Diamond, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): We will now move to appointment reviews. Our first interview is with Andrew Diamond, the intended appointee as member, Human Rights Tribunal of Ontario.

Good morning, Mr. Diamond, and welcome to the committee. As you may be aware, you have an opportunity, should you wish, to make an initial statement. Subsequent to that, there are questions from members of the committee. This morning we will be commencing with questions from the government. Please go ahead.

Mr. Andrew Diamond: Thank you, Madam Chair and members of the committee. First, I'd like to thank the committee and, in particular, Mr. Kevin Dwyer of the clerks' office for arranging this early meeting and for me to go first so that it would have the least amount of impact on a previously scheduled vacation.

I was called to the bar in 1991. A good portion of my practice was in labour and employment law, which included providing advice to clients on humans rights issues and the Ontario Human Rights Code. In the past, I have been a member of the board of directors of something that was called Independence Afloat, which was a sailing school for people with disabilities. I am also a past member of the Toronto committee of the international organization Human Rights Watch.

Since 2005, I have been acting primarily in the public sector but also with some private sector clients as a mediator and adjudicator, and applied for this job in response to an advertisement that I saw, I believe, in the Ontario Reports. I was interviewed by the Chair and the

alternate Chair and have been recommended for the appointment, obviously subject to your approval.

Thank you, Madam Chair.

The Chair (Mrs. Julia Munro): Thank you very much. As I've mentioned, we will begin with government members. Questions? Comments?

Mr. Michael A. Brown: Thank you, Mr. Diamond. I just want to note our appreciation of you coming forward today and hope that your successful appointment will prove very good for the people of Ontario.

Mr. Andrew Diamond: Thank you, sir.

The Chair (Mrs. Julia Munro): We'll go to Ms. MacLeod.

Ms. Lisa MacLeod: Good morning. Welcome to our committee. You are from a local riding here in Toronto?

Mr. Andrew Diamond: Yes.

Ms. Lisa MacLeod: Do you recall which one it would be?

Mr. Andrew Diamond: I think St. Paul's is its official name.

Ms. Lisa MacLeod: St. Paul's? So Michael Bryant, the former Attorney General, would be your MPP?

Mr. Andrew Diamond: That's correct.

Ms. Lisa MacLeod: Okay. Just a couple of brief questions from the official opposition. The commission, according to the information we received from our researchers here with the Legislature, has an ability to initiate complaints. Chief Commissioner Hall has said that there are known and unknown causes of discrimination. I'd like to know if you think it's your job to discover new types of discrimination.

Mr. Andrew Diamond: Sorry, initiation of complaints, as I understand it, is a right of the Human Rights Commission. With the redesign and restructuring, it's really the objective of the tribunal, and particularly its members and vice-chairs, to respond to complaints that have been made, including by the commission but not by the tribunal. So perhaps I've misunderstood your question.

Ms. Lisa MacLeod: Essentially what I've asked is, Chief Commissioner Barbara Hall has said that there are known and unknown causes of discrimination. Do you think it's your job to discover new types of discrimination—not initiation, discrimination and discovery of that?

Mr. Andrew Diamond: Well, the complaints structure is set up as if someone believes that their rights have been infringed under the code. They will make a complaint to the tribunal or the commission will make its own complaint. As someone who has then been charged with hearing that complaint, the member or vice-chair will determine whether or not the grounds, new or otherwise, fit within both the specific and the general terms of the Human Rights Code. For me to discover—it's for me, as someone hearing and making an adjudication, to decide whether or not a complaint does or doesn't fit within the parameters of the code.

Ms. Lisa MacLeod: Okay. Keeping with that, "The commission has always had a broad mandate"—I'm just reading right from page 3 of the committee report from the clerks' office—"to develop policy; provide information and education; and promote public awareness and understanding of, and compliance with, the code."

Having said that, Chief Commissioner Hall has said that she'd like to see the number of complaints filed in Ontario "spike"—that's her quote, "spike"—in number. Do you agree?

Mr. Andrew Diamond: I want to take a step back. I assume we're both talking about the same thing, but you keep referring to the commission, and these are appointments to the tribunal, which is very different and distinct in its function. But I think that all Ontarians would love to have complaints drop, meaning that there will be fewer instances of perceived discrimination amongst citizens of the province. So lower numbers are better because it means that as a society, we are treating people fairly and equally, and that members of society don't feel the need to complain about their treatment.

0910

Ms. Lisa MacLeod: Thank you. I appreciate that. Do you have any questions, my colleague?

The Chair (Mrs. Julia Munro): Mr. Hillier?

Mr. Randy Hillier: Yes, just a couple of brief questions, and thank you very much for being here today. There are a couple of things about the tribunal that I'd like to have your comments on and your views and opinions.

The first one is, the tribunal doesn't provide any information at the moment on its website regarding the disposition of those complaints. Do you think that that is appropriate, or ought they be making that information known to the public?

Mr. Andrew Diamond: I read the comment at some point for there to be transparency; I think that reasons for decisions have to be available somewhere. While influential, there won't be any precedent value as between adjudicators on the tribunal because they are co-jurisdictional, but as to the stance that there is consensus as to the right view on things, then yes, I think there should be some reporting mechanism. I sit on the Licence Appeal Tribunal as well, as you may know, and its decisions—and in fact, something called a bench brief, which are sort of the leading cases on various subject areas—are available online.

Mr. Randy Hillier: Following up on a question from my colleague, the tribunal, however, does state that it expects the caseload to grow—

Mr. Andrew Diamond: Yes.

Mr. Randy Hillier:—for discrimination. It also puzzles me—the commission, of course, has been in operation for a significant period of time, and part of their mandate is to educate and lessen the amount of discrimination in the province. I'm just wondering, what is your view, after, I think, 40 years now of the Ontario Human Rights Commission? We're seeing increasing cases of discrimination or expecting to see them. Those two comments, those facts, don't sit well with me, that we're seeing more and more discrimination after decades of trying to reduce it.

Mr. Andrew Diamond: I can't comment on whether or not we're seeing more or less discrimination. What we have seen is an increase in the number of complaints, so that's clearly perceived discrimination. I don't have the results of the outcomes of those complaints, as to whether or not the percentage of complainants, or absolute numbers of complainants, have been successful or not. So that would be with respect to whether or not there's an increase in findings of discrimination.

You, as legislators, all having looked at this and having decided to change the structure, would be in a better position than me, but it seems to me that now that the commission no longer has this bifurcated role of being educator, researcher, investigator and adjudicator, and can now focus, under Chair Hall, on its new core duties of education and research, perhaps it can fulfil that mandate better because the investigative and adjudicative sides of it have been removed to the tribunal.

Mr. Randy Hillier: I certainly agree. I think that some division of labours is important in the whole—one last thing, just your own comment. We often hear many terms bandied about in the media, and I'd like to just hear your own comments and your own views on human rights and civil rights and freedoms. What is the difference, in your view, between civil rights and human rights?

Mr. Andrew Diamond: I can't immediately think of any.

Mr. Randy Hillier: Looking at what has transpired over the years, and especially lately, with the human rights business, if I might call it that, or industry—clearly, the commission was initiated to prevent discrimination or find redress when there was discrimination present.

Mr. Andrew Diamond: Yes.

Mr. Randy Hillier: We've seen it increasingly creep into other areas, such as freedom of speech. Of course, there have been a number of high-profile cases lately: Ezra Levant and Mark Steyn were a couple. What's your view, as an adjudicator of this tribunal, if you're successful, of reining in or following the original mandate or increasingly creeping into some of these other areas, such as freedom of speech?

Mr. Andrew Diamond: Freedom of speech is particularly highlighted because of the current case, I think, out of western Canada. It is, obviously, the most difficult part: the classic maxim about a free and democratic society being somebody's right to say whatever they feel and my right to disagree vehemently, but to defend their right to say it. As far back as a philosophy paper I wrote as an undergraduate for Professor Taylor, who's sort of the leader in this field, and I had the great privilege of actually being able to discuss it with then-retired Prime Minister Trudeau, who happened to be a friend of Mr. Taylor's—we were talking about hate law and where it crosses over. It is the most difficult area, about inciting hatred versus someone's right to say what they feel and think. You've hit the nail on the head; it is absolutely the most difficult area and I think has to be done on a case-by-case basis: "What have you said? In what form have you said it? Who have you said it to? What have you asked those people to do? Have you incited them to do anything?"

Mr. Randy Hillier: Do you—

The Chair (Mrs. Julia Munro): Thank you very much. I'm sorry; we've run out of time.

Mr. Randy Hillier: Can I have one last question?

The Chair (Mrs. Julia Munro): I'm sorry; we must move on. Ms. Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park, Mr. Diamond. I was curious to see what motivated you to seek this appointment.

Mr. Andrew Diamond: To be perfectly candid, I currently hold two part-time per diem appointments: one for the Licence Appeal Tribunal and one as the deputy registrar in bankruptcy for the Superior Court. Unfortunately, government is one of the few places where two halves don't make a whole. I had originally applied for a full-time vice-chair's position, this being an area in which I have always, as I said, back to my undergraduate days, been academically and professionally interested. I thought the opportunity was a very good one, and that's what made me want to apply for the position.

M^me^ France Gélinas: Are you concerned at all about running out of time at some point or being available?

Mr. Andrew Diamond: We've had detailed discussions about that, in part because the tribunal is in this transition period until the end of the year. It currently doesn't know exactly what the caseload is going to be. There are close to some 3,000 cases sitting at the commission, which, if they're not resolved by year's end, will have the right to come over. Because they are all part-time per diem appointments, I book my quarters out halfway through the previous quarter, leaving, so far, adequate time for writing and sitting. So I will approach each of the coordinators for each of my appointments to see how many days they want and what hearings they have sitting, and then I will block those into my calendar to hopefully make full-time.

M^me^ France Gélinas: So you figure it's doable?

Mr. Andrew Diamond: Yes, I figure it's doable.

M^me^ France Gélinas: Okay. What do you see or anticipate some of the challenges to be? I realize there will be a period of transition. Have you thought about that?

Mr. Andrew Diamond: I have, and that's why I think that the chair has gone with this current model of having a number of part-time per diem appointees available, because they're uncertain, so there's no commitment to people like me as to how many days you are going to sit. As I say, there are—I have the number in front of me—3,800 cases currently sitting at the commission, only 80 of which have elected to transition so far. If the numbers drop off because over time people have lost interest and those cases don't come across and there won't be the huge need, that's one of the challenges for the tribunal. If they all come, obviously it's a huge challenge to clear 3,800 cases. That's why, as I understand, the chair has

appointed so many part-time people: to be able to clear that backlog if that backlog does come to fruition.

0920

M^me^ France Gélinas: Do you speak French at all?

Mr. Andrew Diamond: Not well enough to conduct a hearing, candidly.

The Chair (Mrs. Julia Munro): Thank you very much for being here this morning. We appreciate the fact that you've juggled your time to be with us this morning. That concludes the time.

I'd just like to respond to an earlier question with regard to a transcript. I've been informed that the draft will be completed by either 9 a.m. or noon tomorrow.

MARK SAKAMOTO

Review of intended appointment, selected by official opposition party: Mark Sakamoto, intended appointee as member, Ontario Media Development Corp.

The Chair (Mrs. Julia Munro): Our second interview this morning is with Mr. Mark Sakamoto. He's the intended appointee as member, Ontario Media Development Corp.

Welcome to the committee.

Mr. Mark Sakamoto: Thank you all very much for the opportunity to appear before you today. I'd like to just make a very brief opening statement.

I feel as though I've been a part of the entertainment industry all my life. My family promotes concerts. Growing up, I worked closely with them doing everything from selling T-shirts to assisting in the production of coliseum shows. After law school, I worked at Heenan Blaikie here in Toronto, mainly with the firm's entertainment practice. I moved to the CBC and currently am a manager of business rights and content. To that end, I negotiate the arts and entertainment deals that the network wants to put into development. I was called to the bar in 2004.

On a personal note, my wife is a modern dancer, so arts and culture have me surrounded, professionally and personally.

The prospect of serving on the OMDC board would allow me to also continue my small contribution to public service. Public service is something I highly value. I've volunteered with seekers of public office, from the Liberal Party to Mr. John Tory here in Toronto, and I've served on boards appointed by the Premier of Alberta while I was living there. So any small contribution I might make, I do so happily.

The OMDC operates in a truly globalized world. Film studios, recording companies and artists of all genres have the ability to be very mobile with their capital and their respective talents. Within the entertainment and creative industry, Ontario needs to be every bit aware of what is happening in the Czech Republic or South Africa as what's happening in North America. The OMDC serves the province of Ontario by ensuring that we maintain that competitive environment in a jurisdictionally promiscuous industry. Quite frankly, if a film executive can cut a better deal in Johannesburg, she'll do it. If a guitarist hears about a city called Seattle that's exploding, he'll move.

I'm honoured to be given the opportunity to serve on the OMDC board, should you deem it so, because of the high value I place on art and culture in society.

However, art is also an economic issue. In fact, I think that the creative industry may be the economic issue for Ontario to manage. The more that we can attract that creative class, the more secure our economy will be in the coming decades.

I thank you very much for your time. I'm happy to answer any questions you may have.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the official opposition. Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here today. A few questions, as I was going through the intended appointment here—and a couple of questions from the information that's been provided.

First off, I have to say that in all these intended appointments there are really only a few areas of concern that we're looking for, and that's to demonstrate competence, demonstrate that there are no conflicts, and demonstrate that there isn't undue bias that would override an individual's good judgment.

I see, as a full-time employee of the CBC, the potential for conflict with this role for this intended appointment. Your role, as I understand it, with the CBC may have some overlap with decisions made from this intended appointment.

Mr. Mark Sakamoto: Thank you very much for the question. I think my role at the CBC in fact assists my ability to provide insight into the board's discussion. I am, so to say, in the trenches, so I think that would assist my contribution.

The CBC is a federal entity governed by the Broadcasting Act, so it's not within the jurisdiction of the province.

I would say that despite being a $10-billion industry for the province of Ontario, it is a pretty small circle of professionals who operate within it. So when I review the current board list, I think that the appointment committee appreciates that members should have a background in the respective creative industry. That being said, any potential discussion which I, the chair, or any members of the board feel I should recuse myself of, due to apparent conflict of interest, I would happily do so.

Mr. Randy Hillier: I might ask you to just make a comment, as well, on page 4 of the information that we were provided. I know that you're not on that board right at the moment, but there's an interesting table on page 4. It shows that in the year 2006-07, there were 414 applications for tax credits, but 421 certificates were issued. More projects were undertaken than applications received. I'm just wondering if you can shed some light on—

Mr. Mark Sakamoto: Sorry, shed some light on the discrepancy between the numbers 414 and 421?

Mr. Randy Hillier: —that there's more certificates than applications.

Mr. Mark Sakamoto: Unfortunately, sir, I cannot shed any light on why that discrepancy exists at this point in time.

Mr. Randy Hillier: Or more projects undertaken than requests by applications.

Mr. Mark Sakamoto: Sorry, at this point, I'm unable to provide any insight on that.

Mr. Randy Hillier: I look forward to following up on that with you later on.

I understand that you're quite active in the Liberal Party, leadership campaigns and donations etc. It's significantly important that public servants, people sitting on boards—we all have biases; even on the official opposition, there's some bias from time to time. But those biases can't be seen as overriding our decision-making. In this role of approving projects, applications and reviewing them, and your present employment with the CBC, there appears to be some bias toward public, as compared to private investment in the arts, or undertakings by the arts.

Mr. Mark Sakamoto: I think that there is a significant amount of public financing in the arts, particularly within the Canadian English television and film market. But there is also a significant amount of private money, both within the television industry—but the OMDC's mandate is also book publishing and music, which are almost entirely private.

Mr. Randy Hillier: Okay. I think that's all my questions for now. Thanks.

The Chair (Mrs. Julia Munro): Thank you. Ms. Gélinas?

M^me^ France Gélinas: Good morning.

Mr. Mark Sakamoto: Good morning.

M^me^ France Gélinas: I'd like to have your view as to how you would describe the health of the domestic film and television industry right now.

Mr. Mark Sakamoto: I think the professionals within the TV industry in Ontario, Canada, and Toronto, specifically—Vancouver, as well—are truly some of the best in the world. Toronto's film and TV crews are literally top-notch. The content that our producers create, I think, is varied, interesting and provocative.

But we do have a basic economic reality in that we live next door to the most prolific cultural exporter the world has ever seen, and that's Hollywood. I think that we have done well despite that, and in many cases we've done well because of it. I think we will continue to do so. That being said, I suppose there's always room for improvement.

M^me^ France Gélinas: Do you have any knowledge of some of the television and film industries that are growing in northern Ontario?

Mr. Mark Sakamoto: Film and television in northern Ontario? Let me think. There are a couple of interesting television producers in the city of Sudbury that have had a long run on the animated show Chilly Beach, which has done quite well. I think that in terms of recognizing areas of improvement within the television market, expanding jobs from Toronto out to rural areas certainly might be one of them. Again, though, on the OMDC side, the board's mandate is much larger than just television and film. There are some great music festivals that service rural Ontario, and I think those sorts of initiatives are positive.

0930

M^me^ France Gélinas: Do you speak French at all?

Mr. Mark Sakamoto: I do not speak French very well.

M^me^ France Gélinas: Do you have any knowledge of activities going on within French television, media or books?

Mr. Mark Sakamoto: Oh, sure. I mean, the French television market is just a brilliant gem for Canadians, but particularly for French Canadians. They have their own star system and they are very well funded—privately, but they're also supported publicly as well.

M^me^ France Gélinas: Thank you.

The Chair (Mrs. Julia Munro): We'll move to the government.

Mr. Michael A. Brown: We're delighted to have you here today speaking with us. This is an important corporation. We know that it's one of the drivers of the Ontario economy and it's good to have someone with your kind of qualifications come before us today. So thank you very much.

Mr. Mark Sakamoto: Thank you very much.

The Chair (Mrs. Julia Munro): That concludes the time. We appreciate your coming.

Mr. Mark Sakamoto: Thank you very much.

RONALD BROOKS

Review of intended appointment, selected by official opposition party: Ronald Brooks, intended appointee as member, Committee on the Status of Species at Risk in Ontario.

The Chair (Mrs. Julia Munro): Our third interview today is via teleconference with Mr. Ronald Brooks, the intended appointee as member of the Committee on the Status of Species at Risk in Ontario. Are we connected?

Dr. Ronald Brooks: Yes. I can hear you well.

The Chair (Mrs. Julia Munro): Good. Welcome to the committee, Mr. Brooks. We appreciate your being able to do this for us today. I would just remind you that you have the opportunity to make a statement, should you wish to do so, and then we'll have questions in rotation from the members of the committee. So if you're ready, please begin.

Dr. Ronald Brooks: Firstly, I'd like to thank you for letting me do this. It was going to be pretty traumatic for me to get down there today.

I don't really have anything to say. I was going to give a little short speech, but I realize it's all in the background, so unless you need me to do it, I'd just rather go ahead with the questions.

The Chair (Mrs. Julia Munro): All right. We're going to begin, then, with the third party. Questions?

M^me^ France Gélinas: Good morning—

Dr. Ronald Brooks: Good morning.

M^me^ France Gélinas: —wherever you are.

Dr. Ronald Brooks: I'm in Guelph.

M^me^ France Gélinas: My first question has to do with the temporary exemption. We know that there's a temporary exemption for the forestry, aggregate extraction, hydro and development industries. How do you see balancing that with protecting species at risk in Ontario?

Dr. Ronald Brooks: I think that, as I understand these temporary exemptions, they're kind of grandfather clauses, I guess you would call them. I think that it's fair to do that as long as there's interaction between, say, the forest industry and the MNR in terms of establishing the least impact on any threatened species that are involved. But otherwise, it seems to me to be a reasonable thing and it's not going to have a big effect.

M^me^ France Gélinas: Okay. I would expect that, during your work, you will be presented with some scientific knowledge as well as bodies of knowledge that come from what I would call non-traditional scientific bodies, as in aboriginal traditional culture, people who have lived and occupied those lands for a long time. Have you had to deal with, as I would call it, competing bodies of knowledge before?

Dr. Ronald Brooks: Yes. I've been on COSEWIC for 10 years, so I have a lot of experience with this. On COSEWIC, there's an aboriginal traditional subcommittee which presents aboriginal knowledge and their particular points of view. I'm fairly familiar with them because the co-chair of that committee is Akwesasne, and he is a member of the Turtle Clan—turtles are my specialty—so we have a sort of bond. As well, I spent a lot of time with aboriginal communities in northern Manitoba. I was working there for several years, as a grad student, and when I started off as a faculty member. I adopted two aboriginal girls, who are no longer girls. So I have quite a bit of experience with them, and with those views.

M^me^ France Gélinas: And you feel at ease with this?

Dr. Ronald Brooks: Yes.

M^me^ France Gélinas: What would you say would be the biggest strength that you bring to the committee's work?

Dr. Ronald Brooks: I think it would be my experience, again, on COSEWIC, and teaching conservation, biology and that sort of thing—but particularly on COSEWIC. As well as being the co-chair of the reptiles and amphibians committee, I was on the criteria working group, so I've been helping to develop the criteria that we use to assess species risk and to make those criteria as objective and as meaningful as possible. I've also been and still am on the operations and procedures committee, which sets up the terms of reference and the rules and regulations for COSEWIC.

Currently, I'm the chair of the threats committee, where I'm hoping we can develop a way of quantifying and defining threats so that we can decide whether things are threats. Quite often, people say that something is vaguely a threat, like predation, for example, which is maybe not at all the kind of thing that you're looking for when you're looking at species endangerment. So it's whether threats arise from human activity versus things that species normally encounter.

So I think I have a lot of background and experience. Since COSSARO is going to be trying to set up its own regulations, I think that my experience that way will be my greatest strength.

M^me^ France Gélinas: My last question is, how much knowledge do you have about northern Ontario?

Dr. Ronald Brooks: A fair amount. I worked in Algonquin, which isn't quite northern Ontario, but I've also worked up in areas like Wawa and that sort of thing. One of my more recent grad students did his Ph.D. on looking at caribou across the northern part of their range and the impacts of logging and that sort of thing. I've worked on beaver and wolves and other mammals, which gives me quite a bit of experience up there. Plus, I worked in northern Manitoba, which is to some extent a similar kind of boreal forest habitat.

M^me^ France Gélinas: Very impressive.

The Chair (Mrs. Julia Munro): We'll move to the government members, beginning with Mrs. Sandals.

Mrs. Liz Sandals: We really appreciate the time that you're taking out of your schedule to meet with us this morning. You're obviously wonderfully qualified for this, with a lifetime of research, with amphibians and reptiles, and a host of experience with all sorts of bodies that are dealing with this. So thank you very much for agreeing to do this work. We look forward to supporting you.

The Chair (Mrs. Julia Munro): We'll move to Mr. Hillier.

Mr. Randy Hillier: Thank you very much for joining us.

I have a couple of quick questions, but beforehand, as I reiterated with the previous intended appointment, what we in the official opposition are looking for, of course, is to determine whether people are competent, that there are no conflicts of interest, and that there is not an undue level of bias that may affect your judgments.

Clearly, you have lots of competency; you've spent a lifetime in biology. But I was noticing that your lab, the Brooks Lab, is funded by the MNR as well as other government agencies. Of course, on this committee you'll be working hand in hand with the MNR, and I'm wondering how that is going to bear on your lab—being funded by the same people that you are providing unbiased scientific information to.

Dr. Ronald Brooks: I never actually thought about that. But one of the things I should also point out is that I'm retired and I'm basically shutting my lab down, with the exception of one graduate student. For example, I've been involved in a small mammal study in Algonquin Park that's in its 57th year. I didn't start it, but I continued it in 1989, and I'm turning that over to somebody

else this year. I'm also pretty much shutting down my turtle research, which is not MNR-funded. I want to try to do other things—write books and work on committees like COSSARO and COSEWIC. And this money I get from MNR, I guess, is not on endangered species, at least certainly not at the present time. So I think that if there were a conflict there, it's going to disappear because I'm getting out of those things.

0940

Mr. Randy Hillier: Could you speak up again? You trailed off at the end, and I couldn't hear.

Dr. Ronald Brooks: Yes, I tend to do that. I was just saying that if I did have a conflict there, it's going to disappear because I'm divesting myself of those research interests, so I wouldn't be getting funding from MNR any longer.

Mr. Randy Hillier: So time for hanging up the spikes, I guess, and leaving the fieldwork for others and shutting down your lab.

Dr. Ronald Brooks: Definitely leaving the fieldwork to others. When you get to my age, you sort of sum up your career and do things like write books, that type of thing, so that's what I'm doing.

Mr. Randy Hillier: I also understand this committee will be compiling a complete list of all species and whether they'll fall under the threatened or endangered or extirpated or extinct categories. I'm not sure how far back you're going. Hopefully, we're not going to be putting the woolly mammoth in with the stuff on that list as well.

I do have some questions regarding the list that is presently out and I'd like to have your comment on it. One is in schedule 2, where we have the greater prairie chicken. I don't believe Ontario has been a significant habitat for prairie chickens. Why would an animal that we intuitively would believe belongs on the prairies be on an Ontario list?

Dr. Ronald Brooks: Well, there was prairie in southwest Ontario; I guess there's still a remnant left. I actually don't know whether the greater prairie chicken was there or not. My understanding of how COSSARO worked before and, I guess, to some extent, will in the future, is that when COSEWIC lists a species, they will adopt it as a listed species if it's in Ontario—after some discussion, because sometimes they might not agree with the COSEWIC listing. So all I can say about that is that it was here at some time in the past. I'm sure we don't go back to mammoths or anything, but perhaps that species was present within the last 100 years or something of that sort.

Mr. Randy Hillier: The other thing that comes to mind when we're looking at this list—we see different animals. The Atlantic salmon, for example, is another one, which, of course, we can all buy at just about any supermarket. They're farmed or—they're not being fished in the wild too much anymore, but they're certainly cultivated, and I know there are exceptions included in the regulations for Atlantic salmon specifically. But there is a host of species that are not doing well in the wild but that are being cultivated significantly for economic reasons. We don't want to see this Endangered Species Act, of course, limit economic opportunities and prosperity. Could you comment on this contradiction between placing an animal on the endangered list but also cultivating it at the same time?

Dr. Ronald Brooks: I think that that raises a real conundrum of questions. Take the Atlantic salmon as an example. It's virtually extinct now in the wild, both in Ontario and on the Atlantic coast, and certainly salmon farming has contributed to that to some extent—on the coast, not here. I think that when you look at endangered species, and taking that example again, if you call it extirpated or endangered or whatever, you're talking about the species in the wild. So the idea, for example, of reinstating the Atlantic salmon to Lake Ontario would be related to having it repopulate in the wild and having genotypes that were those of the wild animals, or as close as we can get to it in any case.

I don't see it as a problem with interfering with economic activity. I see it as—the difficulty can come when you have things like bison, where nobody's quite sure what the things are that now exist in the wild, and Wood Buffalo Park out west, because they have all sorts of mixtures of domesticated animals, including cattle and that kind of thing. Then what you have to start thinking about is whether what you're trying to protect is a wild animal. I think that's where the issue is, rather than interfering with economic activity.

Mr. Randy Hillier: I see we're going to have some difficulties with this piece of legislation down the road. Atlantic salmon is another good example of this, where of course the MNR is presently stocking Atlantic salmon and trying to reintroduce it into the Great Lakes. But at the same time, over the last 30 or 40 years, they've also been stocking Pacific salmon, rainbow trout and brown trout, all possible competitors to the Atlantic salmon for spawning and habitat. It's probably pretty unlikely that we're going to eliminate all of those other stocking programs for Atlantic salmon.

Dr. Ronald Brooks: I'd agree. Again, I don't see COSSARO as being involved in those kinds of decisions. The act has all sorts of other parts to it; it's highly flexible, I think. I see COSSARO's role as simply to decide if the species is at risk, and how we would judge that from the best scientific, aboriginal and local community knowledge and information that's available. The consequences of that in terms of whether you look at stocking programs would have nothing to do with COSSARO.

Mr. Randy Hillier: I have one last question, and that's to your comment. Of course, different animals have different habitats and different ranges, and those ranges expand and contract with a host of different factors. Climate would be one of them, but also a number of other things. Climate would be one of the significant ones. There are times when there are animals, because of climate, that are no longer visible or populate a certain area.

The animal that I'm thinking of here is of course is the little bird called the loggerhead shrike, where eastern Ontario is at the extreme of its range. It will always be threatened or endangered at the extremities of its range. Is that correct?

Dr. Ronald Brooks: Yes, it should be—I would say yes.

Mr. Randy Hillier: And there's really very little that we could possibly do, other than, if you believe some people, maybe increase our carbon dioxide emissions so that it would be warmer and have more available range—is that correct, that we're not going to be able to do much to change the range of species?

Dr. Ronald Brooks: No, but that's an interesting point because—I assume you're being facetious about increasing carbon dioxide, but it doesn't really matter because we're doing it anyway, and where I see the effect is on reptiles. It's the group that I work on most.

If the climate actually warms up in Ontario, the biggest thing—I don't want to get in a whole bunch of detail here, but the biggest thing that constrains reptiles in Canada is the fact that they're stuck in the southern part of the country. That's because they need time for their eggs to develop and so forth. If it warmed up, then one could conceive—I've actually made this argument—that Algonquin Park, for example, would warm up and become a much better habitat for snakes and turtles than it is right now, because it's pretty cold.

That kind of thing may happen, but again, those things like solutions to the loggerhead shrike problem are not a COSSARO problem as such. I see that as being about other parts of the ESA or with even things outside that, if people want to get involved with trying to create habitats. A lot of the environmental groups do that sort of thing.

Mr. Randy Hillier: One final question: I have seen it come into a problem. Up in my area, there's a significant renewable energy project that wants to get started. It has its approval. It's the largest solar park in Canada. They're running into difficulties, of course, right at the moment, because a loggerhead shrike nesting habitat is in the area.

I'd like to have your comment on reconciling our need to find renewable energies, alternative sources of energy, greener energies, but also having loggerhead shrike nesting areas in the same vicinities.

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Dr. Ronald Brooks: I can't comment specifically on that. I'll just say that these are things that have to be negotiated. Again, outside the COSSARO mandate, I would say that that's something different. In this specific case, my own personal view, if that's what you're asking, would be to make sure that loggerhead shrikes can still be maintained in Ontario. On the other hand, renewable energy, especially fuller energy like that, is an important way of reducing some of our other problems, so you have to figure out which comes first.

I give a lot of lectures on the broad implications of conservation and the protection of biodiversity, and one of the things I like to do is suggest to my audience things that I think will really irritate them. I've always taught my courses that way. For example, I argue that biodiversity is completely unimportant in terms of human welfare, and this really bothers a lot of environmentalists. These are things that people have to consider, whether there even is such a thing as an ecosystem, and that if you're going to protect an ecosystem, is it really going to make much difference to how things work? So these are the kinds of issues that people have to discuss among themselves in a democratic society, I guess.

Mr. Randy Hillier: Thank you very much for your comments.

Dr. Ronald Brooks: You're welcome.

The Chair (Mrs. Julia Munro): Thank you very much, Dr. Brooks. That concludes our time available. We do appreciate your willingness to participate this morning.

STEPHEN MARSHALL

Review of intended appointment, selected by official opposition party: Stephen Marshall, intended appointee as member, Committee on the Status of Species at Risk in Ontario.

The Chair (Mrs. Julia Munro): We'll now move on to our fourth interview. It is with Mr. Stephen Marshall, who's the intended appointee as member of the Committee on the Status of Species at Risk in Ontario. Good morning, and welcome to the committee. As you have observed, you have an opportunity to make any comments you wish, and we'll then entertain questions from the committee members.

Dr. Stephen Marshall: Thank you very much for inviting me here this morning. As you can see from my CV, I'm an entomologist—an insect systematist, as a matter of fact. The relevance of that to this committee is that about 80% of all the species in Canada are insects and related arthropods, so it follows from that that about 80% of all the species at risk in Canada and in Ontario are insects and related arthropods.

I was first invited to become involved with COSSARO about 10 years ago, when it was realized that nobody on the committee had any significant expertise in invertebrates, so I was contacted and asked to come in and advise in that role. I've been involved with the committee for about 10 years, and it's been a lot of fun.

Why me? At that time, I was one of the few invertebrate systematists, with a kind of a dual research program: Instead of simply focusing on a narrow taxon and doing the phylogeny and zoogeography like most of my colleagues were doing, I was also looking broadly across taxa, locally. So I've developed quite a bit of expertise on the entire insect, indeed all arthropods—all the little creepy crawlies. I wrote a book that has really become the standard for identification of northeastern North American insects and related arthropods. It's widely used in the conservation biology community. I've written several other books, while at the same time writing a significant number of technical papers. I've described hundreds of species and I've actually discovered—I would

say thousands, but maybe about 150 or 180, a bunch, have been formally named.

I think I'm the only person on the committee who has actually been involved with that edge of biodiversity research. I think I'm the only person on the committee to have actually discovered and described species and done fundamental taxonomic work. I think that's been valuable to the committee, because I'm often able to explain items of nomenclature and taxonomy that others aren't involved with. I'm also often able to pinpoint what's going on in Ontario habitats, because I've spent my whole life looking for cool bugs. Basically, I've been an insect collector since I was about five, so I'm always looking for interesting distributional records. That's taken me into all of the special habitats, at least in southern Ontario. I'm not quite as familiar with northern Ontario, although I try to get up when I can.

It's also led me into the development and editorship of a journal called the Canadian Journal of Arthropod Identification, which is a new electronic tool designed to bring these relatively poorly known organisms to the forefront of the conservation biology community and naturalists—the whole community. That's led my lab into doing things like surveying groups of insects such as wasps. Time after time, we're finding that by looking closely at what's going on in Ontario, we're actually doubling the numbers of species known from the province; the average is a doubling.

That, of course, creates problems when you look at the general mandate of listing all species and assessing their conservation status. We're still at the point of figuring out what's here, getting the baseline and finding out where these things live. The result of that is that relatively few groups of insects are really appropriate at this time for species-at-risk assessment, but as those groups come to the table, I'm there to help out with them.

Is that enough background?

The Chair (Mrs. Julia Munro): I think that's a great start. I just think, though, that I'd like to have you come and visit my garden.

Mr. David Ramsay: He's not an exterminator.

The Chair (Mrs. Julia Munro): No, no. I just want to recognize the good guys from the bad guys. That's all.

I want to begin our questioning, then, from the government side. Mrs. Sandals?

Mrs. Liz Sandals: Thank you again for coming, Dr. Marshall. We appreciate you taking your time out. I think that's really neat, that you're doing what you started doing when you were five, and you've turned it into a whole career. That's just the ideal world, when you take your avocation and are able to turn that into your life work.

Obviously, you're highly qualified. I think it's great that we've got amphibians, reptiles, insects and arthropods all getting covered by expertise from the University of Guelph. Again, thank you very, very much for taking time out of your busy career to help us with this project. We do appreciate the work that you've been doing in identifying insects and biodiversity.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Good morning, and thank you very much for being here today. You were here, I believe, when I was asking these questions of Dr. Brooks. I'll follow up on that question about the loggerhead shrike and about ranges of animals. That's just the way it is: Different animals prefer different climates and different habitats. Do you think that we as a society of people can interfere or manage that component of nature?

Dr. Stephen Marshall: I think we need to track it. One of my responsibilities is as a director and developer of the University of Guelph insect collection, which is a resource of some two million specimens that acts as a dynamic database, allowing us to track changes in ranges. Indeed, global warming is reflected in shifts north. In many cases, we can't definitively say that these are real shifts and that they're a result of global warming, because we didn't have the baseline data from 30, 40 or 50 years ago, but the patterns are very clear and very interesting. Once these things are tracked, then we can assess individual cases on the merit of those particular cases. So if we're seeing an isolated patch of oak savannah, tall grass prairie or dune grasslands that is diminishing as a result of whatever changes—we'll call them global changes—and we're seeing the ranges of the organisms that live in those habitats showing confirmed shifts and an alarming shrinkage in a range, then we should look at ways to address it. Quite often, it's fairly simple: It's just a matter of ensuring that some of the anthropogenic pressures on those ranges are released and that the habitat is preserved. It's really all about habitat. That's pretty general.

Mr. Randy Hillier: Of course, in your role, this is identifying and tracking—and tracking is an important element of it. But there's far more to the legislation and far more that happens once an animal or species is designated on that list. It is no longer just a tracking process; there are also significant other components where the regulations fall into play: prevention or restrictions or restraint or complete prohibition of the use or enjoyment of property.

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Again, the loggerhead shrike is an example. It is not the only one. But there is a significant population of them in the warmer climates. They prefer the United States, I guess, and their climate, just like many Canadians who go to Florida in the winter. That is just a natural function. The climate doesn't allow that animal, that species, to reside here frequently. So should we be restricting the use and enjoyment, the economic opportunities, for species such as the loggerhead shrike?

Dr. Stephen Marshall: I can't speak to the loggerhead shrike; I don't know that much about that particular case. But I can give you a list of about 350 insect species that have very similar fringe distributions. Most of them I don't get too excited about because they're widespread things. Metapopulations pop in and pop out from season to season, year to year, decade to decade. But there are some which are relatively rare throughout their ranges—they have a high GRANK—some which are firmly

established in very special habitats in Ontario. Some of the habitats I'm particularly interested in are tall grass prairie—I've done a lot of work on an Ojibwa reserve in Windsor—similar oak savannah habitats, some special wetlands, some of the peatlands, special fens. Where I see things restricted to such special habitats, I do get very excited about them.

The legislation, like any legislation, is kind of one-size-fits-all. It doesn't allow too much latitude in what you get excited about and what you don't get excited about because the rules are pretty clear. As Ron said, we have very objective criteria for assessing species. My role in COSSARO, so far, has been to fill in those blanks and measure those objective criteria, but also to express my opinion, as an arthropod biologist and a very active field naturalist, about what's going on out there. Unlike Ron, who mentioned he's getting out of field biology, I want to spend more and more time in the field. I'm a field biologist, and I want to get out and see these things, assess the questions myself, and come to some sort of logical, sensible, reasonable conclusion on that basis.

Mr. Randy Hillier: I find the term that you use very appropriate, where the legislation not only tries but insists on a one-size-fits-all. Of course, nature is not just one size, and there's not one thing that fits completely throughout nature, other than possibly leaving it alone and letting it take care of its own. So the crux of this legislation is, how do we try to manage—because it's not just tracking; it's also attempting to manage, on the advice by COSSARO, a one-size-fits-all approach. We cannot even fathom the range of interdependencies and connections in nature.

Dr. Stephen Marshall: All similar legislation suffers from that one-size-fits-all flaw. I think that when comparing our species-at-risk act to many similar pieces of legislation I've looked at, from the Soviet Union, the United States, whatever, ours is as good as any. But these are limitations, you're right, and I'm perhaps more acutely aware of them than anybody else in the committee because my organisms are this big. They're below the size that the legislation is really designed for. In many cases, it fits, it works well, and it provides the tool we need to protect critical habitat and the species that reflect that critical habitat. In other cases, simply because invertebrates are so different, it's just a little bit more difficult to bring to bear.

Mr. Randy Hillier: One final thing: There's a whole number of species on here. Some are very common where I live—I can often see them out my back door—like the butternut, which is, of course, on the list. But not only is it the role of COSSARO, from my understanding, to recommend to the minister which species should fall into which category, it's also to provide the minister with general advice on a whole range of subjects under this act.

I want to just ask your opinion: Would we be better off recognizing individuals and property owners who have facilitated and created habitat for threatened species, as compared to the punitive approach that the legislation takes?

Dr. Stephen Marshall: A carrot's always nicer than a stick, isn't it? Sure, that seems like a logical point to make, but an odd case, though. It's sort of like the Atlantic salmon. On the face of it, it seems very difficult to draw lines between native stands and plantations and hybrids etc. But given that some of the MNR people have done a really bang-up job of figuring out where the relatively small patches of undisturbed native butternut occur, I think that practical protection of those stands is highly desirable.

Mr. Randy Hillier: Do you not believe that where those species are at present is a result of the practical protection of the people who own those properties?

Dr. Stephen Marshall: Again, that has to be a case-by-case thing. I think that, in some cases, it's just luck.

Mr. Randy Hillier: Just luck? Well, I—

The Chair (Mrs. Julia Munro): I'm sorry, we've run out of time. Thank you very much.

Ms. Gélinas.

M^me^ France Gélinas: Good morning. Thank you for coming to Queen's Park. My questions will be very brief. The first one is that I am truly impressed with your resumé. I can't say that I have met too many people who started a bug collection at five years old and have made it into a Ph.D. So you're telling me that there may be hope for my grandson? I have a back porch full of those things right now.

I see that you're also a very busy man. Do you think that you will have the time, in your busy schedule, to do the work of this committee?

Dr. Stephen Marshall: I've managed it so far, on a volunteer basis, and I think that every member of the committee would tell you that my different expertise and different point of view have been very useful. I've always had very positive feedback from both chairs of the committee that I served with. As I've said, I prefer to in the field, so I limit the number of committees I serve on. There are some key ones: the Biological Survey of Canada, which I think is tied to this, and which is very, very important in documenting our fauna and tracking it; and COSSARO. I don't see a problem. I've found the time and I've enjoyed it. It's been productive for me and it's been productive for the committee.

I must say that one of the reasons that I have prioritized COSSARO is that I get to serve with some of the best naturalists in the country, and I've learned an awful lot about fish, reptiles, birds and habitat in Ontario. So it's not a problem.

M^me^ France Gélinas: Very good. Those were my questions. Feel free to come and visit beautiful northern Ontario any time you want.

The Chair (Mrs. Julia Munro): That concludes the comments from the committee. We really appreciate that you were able to join us here this morning.

Dr. Stephen Marshall: Thank you very much.

JAYASHREE SENGUPTA

Review of intended appointment, selected by official opposition party: Jayashree Sengupta, intended appointee

as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Our next interview is with Jayashree Sengupta, the intended appointee as member and vice-chair, Human Rights Tribunal of Ontario. Welcome to the committee. As you have observed, you have an opportunity to make a few comments should you wish, and then we will entertain questions from the committee. So if you are ready, then you may begin.

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Ms. Jayashree Sengupta: I am. Good morning, Madam Chair, and good morning to the members of the committee. Thank you for giving me the opportunity to come here today and speak to you. I'm here to tell you a little bit about my interest in this position, the appointment as a member and vice-chair of the Human Rights Tribunal, and answer any questions that you might want to ask of me.

I think you have my application documents in front of you, so you know my legal background and what I've done in terms of a career. What my application document perhaps does not say is that I came to this country in my teens from India. My family and I chose this country, so we're Canadians by choice. I'm a naturalized Canadian. Some of those experiences growing up in this country have made me even more eager to contribute by seeking out this type of appointment.

Since coming to this country, my family has lived in five different provinces, and we now make Ontario our home. We've been here for a significant length of time. I did my undergraduate degree out west in Alberta, in arts, and I did my law degree in Ontario at Osgoode Hall Law School at York University. Since then, I've worked delivering legal information sessions to live-in caregivers who work out in Alberta. I've done work primarily in the legal clinics as a staff lawyer and as a clinical instructor at Parkdale Community Legal Clinic for a four-month term. At the moment, I'm working as the executive director of a community legal clinic in the Rexdale community, which is a very diverse community.

The areas of law that I've practised in are social assistance, housing, criminal injuries compensation, immigration, workers' compensation, human rights, Canada pension, employment standards and employment insurance. I've done this at various times during the course of my career in the clinics.

I've been practising for almost 15 years, and I feel I have something meaningful to contribute because of my life experience and my legal training. I'll leave my comments there, and I'm open to any questions you have.

The Chair (Mrs. Julia Munro): Thank you very much. We will begin with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, Ms. Sengupta. I appreciate you appearing here today. I have a couple of questions for you with respect to the Human Rights Code amendments. As you're probably aware, Bill 107, which was debated and passed in 2006, now allows individuals to bring their complaints directly to the tribunal. The new system has been criticized on the basis that only wealthy complainants will be able to bring forward human rights matters. But the Attorney General at the time countered that the new legal support centre will provide complainants with any legal assistance that they require. I have a couple of questions based on that. One is, will all complainants be guaranteed a lawyer?

Ms. Jayashree Sengupta: That question goes to the mandate of the Human Rights Legal Support Centre, and I don't think I'm in a position to tell you what they will be in a position to do and what their mandate will eventually become. I hope that's a sufficient answer for you.

Ms. Lisa MacLeod: Okay. Down the same path, do you think that a respondent against whom a false complaint is made is entitled to some or all of the legal costs when they are acquitted?

Ms. Jayashree Sengupta: I think that's a question that has to be decided in terms of a case-by-case basis. I'm not in a position yet, not having received any training as to how the adjudication process will flow, to give you a sufficient answer.

Ms. Lisa MacLeod: Well, in your opinion, then, and let's use a recent example not from this province. Ezra Levant of the Western Standard published something and withstood 900 days of a complaint process against him. He spent thousands upon thousands of dollars and then he was acquitted. In that case, if he were in the province of Ontario, would you say that he would receive some or all of the costs after he was acquitted? It does seem that he was proven guilty before he was even given the right to a trial or to provide proof. I think that's what I'm getting at: the question that if someone receives a complaint, goes through the process and is acquitted, in your opinion, should that person receive compensation?

Ms. Jayashree Sengupta: I can't comment on that case, obviously, but if barriers are placed in front of people who feel that their rights have been affected or who have suffered discrimination or harassment, if there's a chill with respect with them being able to step forward and make complaints, I don't think that that would be in keeping with the system that has been designed. With respect to the question of whether or not Mr. Levant should have been granted any kind of compensation for what he went through, I can't really say.

Ms. Lisa MacLeod: I think that might be an issue that this tribunal may be confronted with at some point in time.

I have another question. Because there has been a change in the way we deal with human rights complaints in the province of Ontario as a result of Bill 107, there is a concern that there could be a backlog. Many have said that the backlog of complainants with the commission using the old system will happen with the tribunal under the new system, and I would like to know how you would be prepared to deal with that.

Ms. Jayashree Sengupta: I guess you're asking me about the transitional backlog that is coming to the system. I gather that the chair of the tribunal has turned his mind and the team surrounding him have turned their

minds to that question. I understand that there are some part-time appointees who are coming on board to assist in dealing with the larger numbers that will come to the tribunal as a result of that operational backlog.

Ms. Lisa MacLeod: Just one final question: In your opinion, what is the difference between offensive conduct and discriminatory conduct, and do you think that the commission—or, in your case, the tribunal—should oppose offensive conduct?

Ms. Jayashree Sengupta: The way I see my role as an adjudicator, if appointed, is to adjudicate cases that come before me with a view to whether or not there has been a violation of the code, and whether there has been a violation of the code in terms of enumerated grounds of discrimination. If I find that, after having reviewed each case based on the facts and based on the law, then at that point I'm required to act.

Ms. Lisa MacLeod: Just a follow-up, then, because if as proposed, all individual discrimination issues come directly before the tribunal, which would be you, how would the commission and the tribunal ever be able to determine what systemic discrimination is and if it exists?

Ms. Jayashree Sengupta: I believe that there's going to be communication between the tribunal and the commission, that there is supposed to be—the three pillars of this system—there are ways in which all three will be working towards the same end. If similar cases keep coming before the tribunal, and those decisions are public, the commission will be able to spot the trends and to see what systemic discrimination cases require the attention of the commission, whose mandate it is going to be to look at systemic and broader issues.

Ms. Lisa MacLeod: Thank you. I appreciate that. My colleague does have a question.

The Chair (Mrs. Julia Munro): Mr. Hillier?

Mr. Randy Hillier: Thank you very much for being here today. Just a couple of brief and quick questions. If you're successful with this appointment, will you be leaving your position as a staff lawyer with Hamilton Mountain?

Ms. Jayashree Sengupta: I'm no longer at Hamilton Mountain. I'm now executive director at the Rexdale Community Legal Clinic, and yes, I would be leaving that position. It's a full-time appointment, I gather.

Mr. Randy Hillier: Okay. One other thing: As I mentioned earlier with the previous intended appointment, I'd like to just ask: Do you believe, either as a human right or as a civil right, or an inalienable freedom, that we have that freedom or right not to be offended?

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Ms. Jayashree Sengupta: I'm sorry. I don't quite—

Mr. Randy Hillier: Do we, as individuals, have a right not to be offended by others engaging in their freedoms and rights, such as speech?

Ms. Jayashree Sengupta: I think that the question and the discussion that you had with the previous witness had to do with the intersection of freedom of speech and how it—

Mr. Randy Hillier: But I'm asking now, do you feel that an individual has an inherent right not to be offended by another's speech?

Ms. Jayashree Sengupta: I think it depends on the nature of the speech. I think that people—I'm having trouble understanding. Sorry. I think that if something is said that either—

Mr. Randy Hillier: Offends someone.

Ms. Jayashree Sengupta:—offends or could properly be considered harassing speech or discriminatory in nature, then—

Mr. Randy Hillier: No, I'm just speaking about somebody finding something offensive. Forget all the other adjectives that we may throw in there. Just on this one point, do you believe that somebody has the right not to be offended by another's expression of speech?

Ms. Jayashree Sengupta: I think that the code is clear in terms of what a person has the right to be free from, the types of discrimination that a person has the right to be free from.

Mr. Randy Hillier: I'm asking your opinion.

Ms. Jayashree Sengupta: Yes. I think my job as an adjudicator would be, if appointed, to simply apply the code as it's written and as it's been applied in previous decisions, to follow a certain line—

Mr. Randy Hillier: So you don't have an opinion on that?

Ms. Jayashree Sengupta: I don't have a particular opinion. I'm not sure I quite understood the question to begin with. I'm sorry.

Mr. Randy Hillier: Okay. We've got another moment?

The Chair (Mrs. Julia Munro): A moment.

Mr. Randy Hillier: Briefly, what would you describe as the difference between civil rights and human rights?

Ms. Jayashree Sengupta: I think I came in at the tail end of your questioning of the previous witness as well, and I think that what he said made a whole lot of sense. There is certainly a difficult—

Mr. Randy Hillier: He mentioned that he didn't have any opinion—

Ms. Jayashree Sengupta: I think he said that in terms of the—he talked about the place where freedom of speech and harassment sort of—

Mr. Randy Hillier: No, I'm—

Ms. Jayashree Sengupta: You're asking about—

Mr. Randy Hillier: So you wouldn't be able to give us your own view or definition of what a civil right is as compared to a human right?

Ms. Jayashree Sengupta: No, I wouldn't.

The Chair (Mrs. Julia Munro): Thank you very much. We must move on. Ms. Gélinas.

M^me^ France Gélinas: Good morning.

Ms. Jayashree Sengupta: Good morning.

M^me^ France Gélinas: I read the information that we have on you, and I was curious to know your level of experience doing adjudicating versus—it seems to me that you've been mainly the advocate for your clients in the past.

Ms. Jayashree Sengupta: Yes.

M^me^ France Gélinas: I was just curious if you could go into a little bit of detail as to when you have had to be adjudicative.

Ms. Jayashree Sengupta: As you've seen from my resumé, I've worked as an advocate for all of my career since I've been called to the bar. I have some experience working in a neutral capacity. While I was articling at the Office of the Ombudsman, I had an opportunity to look at things from a neutral perspective, not as an advocate for one party or another, and I think that that experience served me well. I've also worked in an employment context as a manager, and I've had some occasion where I've had to adjudicate disputes within the workplace. I think those are the informal adjudicative experiences that I've had.

M^me^ France Gélinas: Okay. If we look specifically at human rights law, within your 15 years of experience, can you point out to me which one of your dealings had a significant part to play with human rights?

Ms. Jayashree Sengupta: In terms of the areas of law that I've practised in, I would say that most of my work in the human rights area has been in the area of housing law. I've had occasion to argue about code violations as they relate to tenants, and usually that's been with respect to accommodation issues for tenants with mental health disabilities or tenants with other physical types of disabilities.

M^me^ France Gélinas: Have you had any involvement with alternative dispute resolution?

Ms. Jayashree Sengupta: Yes. A lot of the work that we do requires quick results that can only come through negotiation and through having good relations with respondents and with welfare administrators and that kind of thing. So I've done a lot of informal negotiating. I've done a lot of mediation in the tribunal settings. I've not done any arbitration, not having practised in the field of labour law, but I've done mediation and the informal negotiations.

The Chair (Mrs. Julia Munro): Mr. Brown.

Mr. Michael A. Brown: I just want to tell you how delighted we are that you've put your name forward today for this important position. The government will clearly be supporting you.

The Chair (Mrs. Julia Munro): That concludes this portion. We certainly appreciate your coming here today.

Mr. Michael A. Brown: Are we going to vote now or do them at the end?

The Chair (Mrs. Julia Munro): We are. I would like to have everyone's attention, committee members, and deal with concurrences from this morning's interviews now, as opposed to leaving them all to the end of the day.

Ms. Lisa MacLeod: My colleague and I from the official opposition would respectfully request deferral of all intended appointees until Wednesday, at the conclusion of our meetings.

Interjections: Why?

Ms. Lisa MacLeod: Well, we're dealing with a serious number of intended appointees from several different commissions and committees and agencies. We would like to hear, based on the questions that we have, particularly for the Human Rights Tribunal and for the species at risk, from all intended appointees before making our decision, so we would request that.

The Chair (Mrs. Julia Munro): Deferral is, as you committee members know, not a debatable issue. So we will then defer the—

Mrs. Liz Sandals: On a point of order, Madam Chair: I understood that it was deferral to the next meeting.

The Chair (Mrs. Julia Munro): I would just refer you to the fact that it does indicate here in the standing orders that "Any member may request that the committee defer its determination to the next meeting of the committee, but in any event no later than seven calendar days."

Mr. Michael A. Brown: So that would be tomorrow, then.

The Chair (Mrs. Julia Munro): But it also allows for a deferral up to seven days.

Mrs. Liz Sandals: On a point of order, Madam Chair: I believe that the interpretation of that would be that if the next meeting isn't scheduled till a month away, you would have to have the next meeting within seven days. But it seems to me that it's quite clear that the right to a deferral is the next day, the next meeting, which, in this case, happens to be scheduled tomorrow.

Mr. Randy Hillier: Can I interject just for a moment? I'd just add a comment here. I would like to take some time to reflect on and evaluate the intended appointments, and I think it would be appropriate—

Mr. Mario Sergio: It's not debatable, sorry.

Mr. Randy Hillier: No, I'm just providing a view of reflection.

The Chair (Mrs. Julia Munro): I'm sorry, I would simply have to rule on the fact that I'd already mentioned that it isn't a debatable issue. I would also point out that in the standing orders, it does not give further direction, other than it is no later than seven calendar days. So we are able, then, to accept the deferral to Wednesday. All right? Thank you. The committee, then—

Mr. Mario Sergio: Excuse me, don't you vote on the deferral?

The Chair (Mrs. Julia Munro): No, it's not a debatable motion. The standing orders do give the flexibility to allow till Wednesday.

Mr. Michael A. Brown: I don't think they do.

The Chair (Mrs. Julia Munro): Well, I would just—

Mr. David Ramsay: Can you read it again?

Mr. Michael A. Brown: Yes, read it again. I don't think that's what it says.

The Chair (Mrs. Julia Munro): It does. I'm reading on page 52 of the standing orders, just to clarify: "Any member may request that the committee defer its determination to the next meeting of the committee, but in any event no later than seven calendar days."

Mr. Michael A. Brown: Which means tomorrow.

The Chair (Mrs. Julia Munro): So they may request, but there is the limit of seven days.

Mr. Michael A. Brown: But that's only if the meeting doesn't occur for seven days. The meeting actually occurs tomorrow.

The Chair (Mrs. Julia Munro): Unfortunately, I've read to you exactly what it says.

Mr. David Ramsay: It doesn't say "seven days"; it says "the next meeting."

The Chair (Mrs. Julia Munro): The whole sentence gives "no later than seven" days.

That concludes our business for this morning. We are recessed until 1 p.m.

The committee recessed from 1030 to 1305.

The Chair (Mrs. Julia Munro): Good afternoon. The committee is now in order.

I just want to comment on the issue that came up prior to our recess. I've had the opportunity to do a little bit more consideration of the issues that were raised and also to look more closely at the standing order. Obviously, the issue is the question of the wording and the procedural intent of that. I've come to the conclusion that, in the circumstances, the intent is the next meeting and that that would take precedence over the seven-day issue. So that means that any deferrals would be deferred until tomorrow. I hope that clarifies the position that we needed some clarification on this morning.

At this point, I'd also indicate to you that I have been advised that this morning's Hansard should be ready this afternoon.

ALAN WHYTE

Review of intended appointment, selected by official opposition party: Alan Whyte, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): With that, I would like return to the intended appointments on our agenda this afternoon. We will begin with Alan Whyte, the intended appointee as member and vice-chair of the Human Rights Tribunal of Ontario.

Good afternoon, Mr. Whyte, and welcome to the committee. Certainly, while you are seating yourself there and getting organized, I should indicate to you that you may wish to make a few comments, after which we will proceed with questions from the committee. As soon as you're ready, you may begin.

Mr. Alan Whyte: Thank you for having me here this afternoon. I'll just give you some background that will put you in a position to review my intended appointment.

I grew up in Montreal. I attended Queen's University, where I secured two degrees: one in arts and one in law. I articled with a Toronto law firm back in 1979 to 1980. I moved to Belleville in 1982, and I've lived in Belleville and have practised in eastern Ontario since that time. I currently work from the Kingston office of a firm called Hicks Morley. The name is longer than that, but I won't bore you with the long name. Hicks Morley is Canada's largest labour and employment law law firm, acting exclusively in that area and acting exclusively on the employer side. I've been with that firm for nine years.

I'd like to speak to you about two areas in my background that, in my view, will allow me to contribute to the success of the new Human Rights Tribunal.

The first area is the breadth of my practice as a legal practitioner. In my 26 years of practice, I have appeared before many tribunals, including the Human Rights Commission, the Ontario Labour Relations Board, the Workplace Safety and Insurance Board, the Workplace Safety and Insurance Appeals Tribunal, many labour arbitrators and courts at different levels. These tribunals and courts have at least a couple of common denominators: One is that, in a formal or informal way, they all contain mediation processes; the other, of course, is that in the event that whatever the dispute is is not resolved, there is an adjudication process.

Going back to mediation: Mediation is going to be a hugely important issue at the Human Rights Tribunal. There is a large volume of cases that the tribunal is inheriting from the Human Rights Commission, and there are also new tribunal applications coming in every day. So there's a high volume, and mediation has been shown to be a very effective way of resolving cases, with a very high success rate. So my point is that mediation is a tool by which the large caseload can be worked through.

In addition, there are, of course, limited resources for adjudication. Adjudication is a resource-heavy process, and we all want to see the resources put in the right place in terms of just deciding those cases that need to be decided.

Finally, mediation has been found to be the best resolution for the disputing parties. If they're able to come to their own resolution, that is almost always preferable to one imposed by a third party.

In terms of adjudication, I'm excited to hear that the tribunal is attempting to put in place new adjudicative processes. These processes are designed to narrow the issues and make the hearing time that the tribunal spends the most effective and most expeditious. I laud the efforts in that regard.

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So my overall point on this first issue is that the breadth of my experience will put me in a position to make a significant contribution to the development of the processes at the new tribunal. Those processes are in a formative state. There have been rules promulgated by the tribunal for two or three months only, and those rules are going to have to be interpreted as the cases come along. I believe that my background will allow for positive and effective interpretation of those rules.

I've spoken a fair amount about process, but just a word on that. Process is important, in my view, to securing a fair and just result in whatever the proceedings are. The process has to be an appropriate one in order for the parties to have confidence in the tribunal and the outcomes at the tribunal. So process is an important issue and will be at the new tribunal.

The second area that involves my background that will allow me to contribute to the success of the tribunal is my

knowledge of the substantive law of human rights. Obviously, the tribunal is focussed on the adjudication and determination of human rights issues. In order to do that, the adjudicators have to bring to bear human rights law. Human rights law is a reasonably complex area. For example, the law of discrimination: All of us have a fairly general sense of what discrimination is. However, the law of discrimination is in fact quite complex and involves issues such as comparator groups, perceived discrimination, considerations of respect and dignity and the like. That's an area that I've worked in and can adjudicate in.

Another area is the accommodation of disability in employment. This is an area that I have dealt with almost daily in my practice in a number of contexts, arbitration or whatever it may be. If you look at page 5—you don't really need to go there—in your briefing paper, there is a chart, and you will see that accommodation of disability, or I should say disability in employment, is one of the most common grounds that serve as the basis for human rights complaints previously before the commission and now at the tribunal. It's a large and important area and I feel very comfortable dealing with it.

Another area that's important in human rights law is damages. Human rights damages are different than damages in other areas of the law. Human rights damages are there to reward or compensate people to be free of discrimination. They are there to award damages for mental distress in certain circumstances. These are very important issues, but they're very difficult to apply in practice. Again, I have experience in addressing those types of issues.

Another area that I have had exposure to is administrative law in the form of judicial review proceedings. When a tribunal makes a decision, it is open to the parties to apply to the courts for something called judicial review in certain circumstances. I have participated in judicial review proceedings before the Divisional Court of Ontario.

My point here is that, in my practice, I have been regularly exposed to different aspects of human rights law and can bring to bear those aspects in my role as adjudicator.

Turning to another area, I wanted to speak to you about my transition, if you like, from being an employer advocate or employer counsel to being a neutral adjudicator. Although I have no direct experience as an adjudicator, I have worked with many very good adjudicators and have observed how they function, how they make their decisions, how they treat their parties, what processes they follow to reach the result that they find etc., and I intend to assimilate those practices in my personal practice as an adjudicator.

I also believe that I enjoy a reputation in the legal community as someone who is fair and someone who is looking for the practical result that is satisfactory to all parties concerned to the dispute. I believe that I enjoy the respect of both union counsel and adjudicators, such as labour arbitrators, with whom I have dealt over the years. So I don't anticipate any difficulty in moving to the neutral role, if you like.

In summary, what I bring to the important role of vice-chair of the tribunal is my experience, my knowledge of the law, and an attitude of thoughtfulness, balance, empathy and openness, all of which I think are important attributes for someone engaged in the adjudication of human rights disputes.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin our questions with Ms. Gélinas.

M^me^ France Gélinas: Good afternoon, Mr. Whyte. I was puzzled a little bit when I read, "I would welcome the opportunity to conduct hearings using an 'active' style, which should result in a more effective decision-making process." I'm just curious to see: What does an active—

Mr. Alan Whyte: What is "active"?

M^me^ France Gélinas: Yes. What does that mean?

Mr. Alan Whyte: The traditional way of adjudication is for there to be an adjudicator and two parties—usually two—who bring a dispute to the adjudicator. The traditional view is that it's open to the parties to call evidence and bring forward facts to allow the adjudicator to determine the issue. That sounds very simple, but in practice it has led to lengthy and expensive litigation because the parties have been allowed to wander from the issues and to generally prolong the proceedings. So what I meant by an "active" style was a little more direction to the parties, as an adjudicator, about what is relevant and what is going to be helpful to me in terms of evidence and the like in making the decision that I have to make. "Active" is the right word. It's a more active way of participating in the process, as opposed to just being passive and receiving what is brought to you by the parties.

M^me^ France Gélinas: Makes sense. All right.

You did mention that in your lengthy work experience you have never worked as an adjudicator; you've always been advocating for a client. Am I right?

Mr. Alan Whyte: That's true, yes. But as I mentioned earlier, I've been involved in the process for 26 years—the adjudicative process.

M^me^ France Gélinas: Okay. You also put in your application that you have "a reputation for ... developing creative solutions which result in the satisfactory resolution of disputes...." Can you give us an example that is—I don't want any secrets of the gods or anything, but something that you're allowed to share?

Mr. Alan Whyte: Sure. About 10 years ago, a young lawyer in my office came to me with a problem, and the problem involved a registered nurse who had a disability of the legs such that she couldn't do all the walking that was required of a registered nurse. Her nursing skills were completely fine; it was just the walking that was a problem. The young lawyer didn't know how to address this. There was a claim being made by the employee that she should be allowed to work. The employer, of course, was saying, "You can't work, because you can't walk enough." I looked at the young lawyer and I said, "Why don't you give her a scooter?" She almost laughed be-

cause it just seemed like a silly idea. In fact, the employer gave her a scooter, and she was able to function very effectively as a registered nurse.

M^me^ France Gélinas: That is pretty creative.

Do you foresee quitting what you're doing now to take on this role, or adding it on?

Mr. Alan Whyte: Quitting it. No, this is not an add-on. I've applied for a full-time position. So I would be leaving the practice of law and engaging in this role on a full-time basis, yes.

M^me^ France Gélinas: On a full-time basis. Okay.

You did mention that you grew up in Montreal. Do you have any French-language skills?

Mr. Alan Whyte: Very basic. I used to be bilingual when I was there, but living in Ontario for so long, I'm afraid I've lost it. I wouldn't be able to conduct a hearing in French; that wouldn't be possible at this stage.

M^me^ France Gélinas: Okay. Those were my questions. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much.

Do you have a comment, Mr. Brown?

Mr. Michael A. Brown: Thank you for appearing, Mr. Whyte. We are suitably impressed with your qualifications, and the government will be supporting your nomination.

Mr. Alan Whyte: Thank you.

The Chair (Mrs. Julia Munro): Thank you. We'll move on to Ms. MacLeod.

Ms. Lisa MacLeod: Thank you, Madam Chair. Welcome, and thanks for your very informative dissertation. Just a couple of quick questions; they may actually turn lengthy, but—I was just wondering. So you're appointed full-time—

Mr. Alan Whyte: Yes.

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Ms. Lisa MacLeod: Do you know what the salary range is for this position?

Mr. Alan Whyte: I understand it's $110,000 to $124,000, or something in that range.

Ms. Lisa MacLeod: Thank you. I was just asking for clarification; I didn't see it in my notes.

I was very intrigued by your discussion with respect to human rights damages and how you reward or compensate people and assess damages for mental distress. I'm just wondering, what is the standard of proof, in terms of your perspective, that a complainant should meet to have a complaint upheld? Beyond a reasonable doubt? The balance of probabilities? Or is there some other standard?

Mr. Alan Whyte: If I understand your question, the answer would be a balance of probabilities. The proof beyond a reasonable doubt is a criminal standard and doesn't apply in civil proceedings such as those before the tribunal.

Ms. Lisa MacLeod: With that in mind, I'm just wondering, and I asked this question earlier today of another person who is going to be appointed to the tribunal, do you think that a respondent against whom a false complaint is made is entitled to some or all of their legal costs when they are acquitted?

Mr. Alan Whyte: In general, yes, but I stand to be corrected. I believe the tribunal may not have the power to award costs. I need to learn that point. There is concern about frivolous complaints being filed and respondents or, sometimes, employers being put to very significant expense for no real apparent reason. So, in general, I would support the concept of the awarding of costs but, as I say, I believe there may be an impediment in that regard at the tribunal.

Ms. Lisa MacLeod: I want to shift gears just a little bit right now to a quote from the Ontario Human Rights Commission. It's more of a philosophical question, and this is what I'm getting at. On April 9, 2008, the commission issued a statement on the decision in the Maclean's case, which I'm sure you're aware of, with regard to Mark Steyn. I'm going to take a direct quote out of this press release, and I have a question to follow up. This is from Barbara Hall, who is the Ontario Human Rights Commissioner:

"While freedom of expression must be recognized as a cornerstone of a functioning democracy, the commission strongly condemns the Islamophobic portrayal of Muslims, Arabs, South Asians and indeed any racialized community in the media, such as the Maclean's article and others like them, as being inconsistent with the values enshrined in our human rights codes." Where I have a problem with this quote is this: "Media has a responsibility to engage in fair and unbiased journalism."

Well, I'm a politician and, boy, I wish it were true. I want to know, do you think the media has that responsibility, or do you think that news stories should be told in the media through the "filter" of human rights, as Chief Commissioner Hall has said, and how do you see that being enforced?

Mr. Alan Whyte: In general, I would support media having the broader, freer right to report stories as they see fit. The basis of that, from a legal perspective, is the protection of freedom of expression in the Canadian Charter of Rights. Having an independent media in our society is extremely important, I believe.

Having said that, if there is some sort of discrimination that comes out in the reporting that is arguably contrary to the code, then I would also feel that it would be open to a complainant to challenge the reporting as being discriminatory on the grounds of race.

Ms. Lisa MacLeod: I just have two quick questions with respect to Maclean's.

Had this gone to the tribunal and you were adjudicating, would you have let Maclean's off the hook?

Mr. Alan Whyte: I don't know that I can answer that, to be candid, because I don't know enough about the facts of the case to properly express an opinion on it. I'm aware of the case; I haven't read it.

Ms. Lisa MacLeod: My sense is, in just reviewing this in the context of these meetings that we're having, it was almost as if they said, "You're guilty, but we're going to let you off. But we're still going to write a press

release and issue a statement that rebukes you." Philosophically, I have an issue with that. I don't like to make a comment on what they did, but freedom of expression is a fundamental right of being a Canadian.

With that in mind, I just want to know your opinion on what the difference between offensive conduct and discriminatory conduct is. Do you think that the commission and, in your case, the tribunal should oppose offensive conduct?

Mr. Alan Whyte: No. That's not the jurisdiction of the tribunal. The tribunal is the enforcement mechanism for the provisions of the Human Rights Code which prohibit discrimination in various contexts. Offensive conduct, to my mind, is just a generalized phrase that could occur in virtually any context, not necessarily one protected by the code.

Ms. Lisa MacLeod: Thank you, Mr. Whyte. My colleague Randy Hillier has a question.

Mr. Randy Hillier: No, I'm fine.

Ms. Lisa MacLeod: Okay. Thank you very much. I appreciated your answers.

The Chair (Mrs. Julia Munro): This concludes this part of the process. Thank you for coming today.

Mr. Alan Whyte: All right. Thank you very much.

MELVILLE FENTON

Review of intended appointment, selected by official opposition party: Melville Fenton, intended appointee as member and chair, Committee on the Status of Species at Risk in Ontario.

The Chair (Mrs. Julia Munro): Our second interview this afternoon is with Melville Brockett Fenton, intended appointee as member and chair, Committee on the Status of Species at Risk in Ontario.

Good afternoon.

Dr. Melville Fenton: Good afternoon.

The Chair (Mrs. Julia Munro): Please make yourself comfortable. As you know from my previous comments, you have an opportunity in which to make comments as you wish, and then we'll entertain questions from the members.

Dr. Melville Fenton: Thank you very much. I did circulate a written statement. I can just briefly point out that it is very important for us as a species to start protecting other species if we wish our world to stay at least as it is for our children, for our grandchildren and perhaps for their children as well. I believe that committees such as COSSARO play a vital role in this, and it's absolutely crucial for a committee like COSSARO to make data-based decisions. In other words, whether you like an animal or a plant or not is not the issue. The issue is: Is there evidence suggesting that it needs protection? If so, we would recommend to the minister that the protection is enacted. It's important that the committee operate in a timely fashion because there are many, many species yet to be considered, and we wouldn't have the luxury of spending many, many hours discussing each and every species that might come before us. My background includes a lot of experience in dealing with those kinds of issues, making data-based decisions on a relatively timely schedule. I believe that I can be of service to the province of Ontario, the people and the species.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with a government member. Mr. Brown.

Mr. Michael A. Brown: Thank you, Dr. Fenton. We appreciate you not only taking the time to be here, but undertaking this very important task on behalf of the people of Ontario. I've had a look at your resumé, as have my colleagues, and it is quite astounding. We congratulate you on putting forward your name and look forward to seeing an appointment.

Dr. Melville Fenton: Thank you very much.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Yes, thank you very much for being here today. There are a few questions, just more general. I've looked over your resumé as well, and competency is not an issue at all.

Just some general comments on the Endangered Species Act and the role of COSSARO: You mentioned that these are often data-based decisions, but we also know that data in nature are seldom complete. I've yet to ever come across somebody who has studied any part of nature and has a complete data set on it. In your mind, how much data do we need? How can we make decisions with incomplete data, especially in this area? Because it's not just a matter of putting the name of a species on a list, but there's a serious number of consequences once that name gets put on the list.

Dr. Melville Fenton: I appreciate your point, and of course, one could have the idea that incomplete data is just a way of keeping scientists off the streets and being paid. I recognize that.

In many cases, the evidence will be very open and shut. Unfortunately, this occurs at the end of the spectrum where there are hardly any of the organisms left. American ginseng, the plant, would be an example, where there are fewer than 10 populations left in Ontario. Because of the commercial importance of ginseng, you may not know everything you need to know about ginseng, but when there are only 10 populations left, it's relatively easy to make a decision.

At the other end of the spectrum, you might have something like moose, and as much as we love moose, I doubt if anyone—

Mr. Randy Hillier: They're fairly rare down here in Toronto.

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Dr. Melville Fenton: Indeed, indeed.

Mr. Randy Hillier: —now that Mel Lastman is gone.

Dr. Melville Fenton: And we have a province-wide mandate. The point is, of course, that as much as you may like moose, there's no evidence to suggest that they are in danger. In fact, there's a legal harvest of moose every year and probably a reasonable illegal harvest of moose every year, but it's not a problem.

Mr. Randy Hillier: That would be part of the incomplete data set, I guess.

Dr. Melville Fenton: But the point would be that you don't need to have—the committee should not spend any time on a species which is obviously superabundant. The more difficult situations come, for a country like Canada—because most species in our country are mainly species that have an American, as in US, distribution, or perhaps North American: They just get their toenails into Canada and into Ontario. This requires a more philosophical approach. I agree that the data set will never be complete, but if you know approximately how many individuals or how many populations there are and you know something about their reproduction history—how long a generation is, because a generation time for a mosquito is different from the generation time for a snapping turtle—you can put together a reasonably good case. COSSARO is a committee of 11 colleagues who are trained in using information and making data-based decisions.

Mr. Randy Hillier: You touched on a comment there which I think is important. Most of the species in our province, let alone our country, have a distribution that extends beyond our own borders. For many of those species, this is the extreme northern range of their ability to survive. They will always be endangered in the extremes of their range. A species that is at its northern range or the extreme of its range will always be endangered, will always be threatened, or there will not be a significant population of them. Under this legislation, those species are afforded significant protections, and there are also significant consequences for the people or the businesses that are in those extreme ranges. The loggerhead shrike is one that has gotten a lot of play lately. Do you think there should be a qualifier on the species list that the reason why they are endangered or threatened or there is not a significant population of them is due to that climate and that we should make some allowance or accommodation for that in the list?

Dr. Melville Fenton: This is where I would place my faith in the committee members and the data that are available. Ironically, with the advent or the increasing evidence in favour of global warming, many species that used to just have their toenails in Ontario now in fact have their whole head and shoulders in Ontario. A good example would be American opossums, which used to be hardly ever seen in Ontario and now are in fact quite commonly seen, usually dead on the road. So it's a rather dynamic situation. Just the fact that something is at the northern edge of its range should not be a rationale for protecting it. Another example would be grey foxes: There's evidence of a very small population of grey foxes, probably mainly on Pelee Island. Should the government of Ontario invest heavily in protecting grey foxes? My view would be no, but COSSARO was only making recommendations to the minister, not saying, "You have to spend this much money on it."

Mr. Randy Hillier: That's correct. Once a species is identified, and along with the advice provided by COSSARO is that advisory role as well, I'm not sure if there would be a—now that there are opossums in the area, should we enter into a re-introduction program for them, now that we have seen that they are here—

Dr. Melville Fenton: They have their own program.

Mr. Randy Hillier: That has never prevented the bureaucracy from starting a new one, just because nature's already taking care of it. I'll go back to the first question: Should there be that qualifier attached in your recommendations, that there ought not to be any further protection afforded or that the population levels are due to conditions beyond the role of man and government and society?

Dr. Melville Fenton: I think that most biologists would already recognize that and accept it. Every year, we have examples of birds that are blown off course during migration and end up in Ontario. I would imagine that most of the 11 members of COSSARO would not use a committee's time to consider the case of some storm-blown vagrant. It wouldn't be a good use of their time or the province's resources. I would place a great deal of faith in the wisdom of the committee and the data they have available to them. There's a difference between an opossum and a storm-blown Arctic tern, for example, as opposed to something like ginseng, and that's what your committee members bring to the table.

Mr. Randy Hillier: We have to speak in general terms, because there are just too many specifics here, but one of the ones that I found interesting was the aurora trout. Of course, that has been determined to be a distinct subspecies of the brook trout. It is only and will only ever be found in a very few lakes north of Sudbury. It will never have a wide distribution unless man interferes. Should that species and those lakes be afforded the greater—because, again, it is a tiny variant from a species that is not threatened.

Dr. Melville Fenton: As a person who doesn't spend a lot of time fishing and therefore doesn't worry about whether I can go and catch aurora trout, I would argue that they've done very well. They've survived acid rain. They've survived some amount of angling. They probably don't need additional protection.

Your question also raises the other difficult one for biologists: What is a species and at what level do you actually start applying protection? Do you give the same amount of energy to protecting a subspecies as you do a species? And then what about some weird genetic variant that might be locally abundant?

Mr. Randy Hillier: This is why I'm coming to this. Every imposed ecosystem or habitat will have a slight variant to a species that is commonplace, but we ought to provide a greater level of protection for that slight variant, even though—and when that variant is included in the list, then we go through the whole process and procedures of applications and permits to do what otherwise would just be generally accepted best practices on your land.

The Chair (Mrs. Julia Munro): We've run out of time. I must move on to Madame Gélinas.

M^me^ France Gélinas: I read that you're applying to be member and chair of the committee.

Dr. Melville Fenton: Correct.

M^me^ France Gélinas: I also saw that your address is no longer in London, but in Etobicoke.

Dr. Melville Fenton: That's correct. It's a rather long story, which I can give you or not. I continue to be the chair of the biology department at the University of Western Ontario and I will be for another year. The university, not being particularly nimble, allowed me to make all my housing plans and whatnot and then changed the ground on me, which is why I will be working out of London. But I do have my home in Etobicoke.

M^me^ France Gélinas: Do you feel ready for the task of chairing? Is this a position that you've had before?

Dr. Melville Fenton: I've never been chair of COSSARO or a conservation committee of this nature before. I've served on COSEWIC, which is the federal equivalent of COSSARO. I've chaired committees at the Canada Foundation for Innovation and the Natural Sciences and Engineering Research Council and the World Wildlife Fund, where we've been making funding decisions. In those situations, you've got a schedule and you have to meet it, and you have to put aside your personal like or dislike for a project or a species and make sure the committee makes a sound data-based decision. That's why I'm interested in this position: I believe I have relevant experience, and I feel quite up to the task.

M^me^ France Gélinas: We've had the pleasure to meet some of the biologists that you will be working with. Let me tell you, they are very committed to the species they're studying, so good luck to you.

Dr. Melville Fenton: Not that I'm committed—I've refrained from that, but—I am.

The Chair (Mrs. Julia Munro): That concludes the questions from the members. We certainly appreciate the time you've taken to be here and your comments.

Dr. Melville Fenton: Thank you very much.

The Chair (Mrs. Julia Munro): All right. Our next interview is with Janice D.A. Beazley, the intended appointee as chair of the North West Local Health Integration Network.

Interjections.

The Chair (Mrs. Julia Munro): That's what happens when you don't look up at the same time as you read.

Mrs. Liz Sandals: I'm not sure that that was her, because she's not till 2:30. I think she was maybe with Dr. Fenton.

The Chair (Mrs. Julia Munro): That's what I wondered, because my notes have her at 2:30.

Mrs. Liz Sandals: Yes. We've got half an hour blank.

The Chair (Mrs. Julia Munro): Yes, there was a gap. We don't have anyone at this particular point. Members, I'm going to take a recess until 2:30.

The committee recessed from 1341 to 1429.

JANICE BEAZLEY

Review of intended appointment, selected by third party: Janice Beazley, intended appointee as chair, North West Local Health Integration Network.

The Chair (Mrs. Julia Munro): We will resume our meeting. I'd like to call forward Janice Beazley, who is the intended appointee as chair, North West Local Health Integration Network. Good afternoon, and welcome to the committee.

Ms. Janice Beazley: Thank you.

The Chair (Mrs. Julia Munro): Please make yourself as comfortable as possible. I should explain to you that you have time as you wish to make a few comments, and then we will have questions from the committee members.

Ms. Janice Beazley: Okay. Thank you. I did understand that I had an opportunity to make an opening statement—

The Chair (Mrs. Julia Munro): Yes.

Ms. Janice Beazley: —so I have something prepared.

Thank you, and good afternoon. I appreciate the opportunity to appear here before you to discuss my qualifications and experience with respect to the appointment as chair of the North West Local Health Integration Network. First of all, I'd like to state that I'm not politically active with any party, nor am I a card-carrying member of any party, just for clarification and full disclosure. I've been a resident of northwestern Ontario for about 30 years, with the exception of six years, when I worked at Trillium Health Centre in Mississauga. I understand that you have my application and resumé, which outlines my post-secondary and graduate training in business and management and health services administration, so I will not specifically review these.

I'm an experienced health care professional who has worked for over 25 years in various executive positions in both rural and remote and urban health care settings. As such, I believe the combination of education and professional background has provided me with the knowledge and experience to function as an effective board member of the North West Local Health Integration Network.

Throughout my career, I have worked extensively in the area of health care governance and strategic planning, and for the past 19 years I have also held the designation of certified health executive with the Canadian College of Health Service Executives. In 2001, I was certified as an executive lifestyle coach, and I've mentored a number of health care executives and others over the past six years. I've also been involved in a number of other non-profit boards and organizations outside of health care.

Most recently, I've been elected to the office of treasurer for the Rainy River Future Development Corp., which looks at economic initiatives in the district within which I live. In 2005, as I was leaving my employment at Trillium Health Centre in Mississauga to return to our lake home in northwestern Ontario—and that's Fort Frances, to be specific—my husband and I had talked

about our entrepreneurialship role in wanting to own and operate our own business, so we set something up as consultants. Also, one of our dreams on the lake was to run a bed and breakfast, so for the last five summers, I've been doing that, running the Loon's Call Bed and Breakfast. I've been told by many that it's a beautiful place to visit, so any time any of you are in that neck of the woods, by all means join me.

Mr. Kevin Daniel Flynn: Did you bring brochures?

Ms. Janice Beazley: Actually, I didn't. I thought that that might be a conflict to do that, but I can mention it.

Mr. Mario Sergio: Okay, what's your telephone number?

Ms. Janice Beazley: My heart really has always been in the north, and I also wanted to give back to the region in whatever way possible while using my health care background and expertise. I became aware of the establishment of the LHINs and was encouraged by a number of my peers to apply for a position on the North West LHIN board.

In June 2005, I was appointed as one of the founding board members and vice-chair of our LHIN. I've also been chair of our governance committee since that time. I felt that this was a perfect way to package my knowledge and skills, and more specifically my background in governance and strategic planning, to make a contribution to the LHIN as it began implementing its mandate of transforming the health care system to better service the needs of Ontarians.

Accessibility of health care is a huge issue that is very close to my heart, and, as you can appreciate, in the northwest, our vast geography with the smallest population of any other LHIN presents its own very unique challenges.

On April 1, 2008, I assumed the acting chair role when our past chair, Dr. John Whitfield, had to resign for personal reasons. In May, the North West LHIN board of directors asked me to seek the position of chair and unanimously passed a motion of full support for me in this regard. I agreed, and thus my appearance before you today.

My leadership style tends to be very inclusive and collaborative, while actively listening to the issues and concerns of the residents and system partners within our LHIN. I believe in teamwork, and one of my key strengths is to bring people together through transformation and change. It is important that the LHINs, along with the Ministry of Health and Long-Term Care, and all of our health system providers, work together to provide solutions that meet our health system challenges in an efficient, cost-effective, creative and innovative manner.

As I know many of you are aware, our health care budget currently consumes 46% of every dollar in Ontario and, as noted by the Ontario Health Quality Council, it is imperative that we continually look for ways to reduce inefficiencies in the system, and innovation will have a huge impact on this going forward.

I also want to indicate to you that I am a strong proponent of our publicly funded health system but feel that, working with our health system partners, there are a number of ways we can continue moving forward to make that more efficient and cost-effective.

One of the activities within our LHIN that I'm hugely proud of that has been a focus for our board and senior staff is community engagement. It has been fundamental to our work, since the inception of our LHIN, across the region. As of March 31, I'm very proud to say we've reached over 6,000 individuals personally. With a total population of only 242,000 and the vast geography we have to contend with, this is a tremendous accomplishment and commitment from our entire board and senior team, who have been involved in travelling around the northwest, engaging with our communities and our stakeholders and really listening to what they have to say. Of course, the information gathered was used to identify the priorities in our integrated health services plan.

We also believe there's a great opportunity for real change with chronic disease prevention and management in our region through a number of initiatives that we have funded since our inception. Supporting residents to better manage their chronic illness is also one of our key initiatives.

As you know, access to primary care affects the entire health care system, and we're building on our engagement strategies with physicians, nurse practitioners and other health care professionals as part of one of our strategic priorities. We continue to partner with family health teams, community health centres, the CCAC, public health, and our aboriginal health and wellness centres and aboriginal partners to ensure that our planning, priority-setting and decision-making allow our communities to determine and implement solutions that make sense. We believe we're laying the foundation in the North West for health system transformation.

I also wanted to mention to you that the North West hosted an aboriginal health forum, Elements of Change, at the end of March for aboriginal leaders and caregivers, including First Nations chiefs, the Metis Nation of Ontario, health directors and front-line workers. We had over 250 participants from 35 First Nations communities and 66 aboriginal organizations. This session was the first large event hosted by the LHIN specific to addressing aboriginal health needs and health system understanding. We're since moving forward to try to complete an environmental scan on what else might be required.

I could go on—I've got many documents and pieces of paper here—but I'll stop there and just indicate that I will continue to work very hard for the North West and for the health system in general.

The Chair (Mrs. Julia Munro): Thank you very much. We're going to begin with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: It's very nice to meet you, Ms. Beazley. Welcome to our committee. I just have a couple of brief questions.

First of all, health care is a very big issue everywhere in the province, but I've had a few meetings with some of our CEOs in Ottawa—and it's interesting because the

LHIN has changed an awful lot. I'm just wondering if you believe that there is a role for private investment into the public delivery of health care in Ontario?

Ms. Janice Beazley: It's a tough question, yet an easy question in some sense. I think I indicated I'm a strong proponent of the publicly funded health system. I think some of the individuals out there and some of the best-practice literature on privatized health care give us some good examples, some good methodologies, that we could look to that could help us in the publicly funded system. Would I go out and advocate for privatization or a private health care system? No, absolutely not.

Ms. Lisa MacLeod: That wasn't what I was asking. I was asking more about private investment into the public delivery of health care, meaning, if you went to the hospital and it was privately run or there was a public-private partnership, such as the Royal Ottawa Hospital in Ottawa, it's still funded by your OHIP card. You still pay for it, but there might be a hybrid system. I'm just wondering what your thoughts are on that.

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Ms. Janice Beazley: In the northwest, I guess that's not a specific issue and I'm not as familiar with the situation in Ottawa. But for myself, personally, if you're saying it's funded by OHIP, by the publicly funded system, if we can guarantee the quality of the service for our residents and we have a strong partnership with our current system, I think it's something we could definitely look at. I don't know how to be any more specific than that.

Ms. Lisa MacLeod: That's great. The other question that comes to my mind—I'm from the Champlain LHIN—it does come up from time to time when I meet with health care professionals: The simple thing is we have big hospitals in Ottawa that tend to specialize in different things, and it's harder now because there's a new layer of bureaucracy. The hospital president doesn't necessarily have control over a budget; they get it the next year. If you want to expand your hospital, the LHIN has got to agree. If you want to move your hospital from one end of the city to another over a 20-year period, it's got to be decided upon by the LHIN, and therefore it might be some planning that's going on behind the scenes, but it might come out publicly at a LHIN meeting. I'm just wondering, do think this is the most effective way to administer health care regionally? Or do you have any other ideas?

Ms. Janice Beazley: Maybe I'll make two points. First of all, under our previous system, many of those types of decisions were much more centralized within the Ministry of Health specifically, so I think those decisions going out to the local regions—whether it's the Champlain region or whether it's the northwest region—help to inform those decisions, I believe, in a better way. As board members and as LHIN staff, we work in those areas. I think we understand the issues and the challenges that we're faced with, and I really believe it's a partnership. I would hope that whether it's that hospital that's looking to relocate in another part of a community or whatnot, it's really a partnership between that executive and that board with the LHIN executive, the LHIN board and whatever other partners need to be involved in that to help inform that decision. I know for us in the northwest that's a really strong method of operation that we use.

Ms. Lisa MacLeod: And just one final question, because you are quite a different area, actually, than the city of Ottawa, the national capital, but you are blessed because you have a very vibrant First Nations community, a very vibrant francophone community and you're very fortunate to have diversity. I'm just wondering, how can the northwest LHIN improve the availability of services for those folks?

Ms. Janice Beazley: You're talking about health care services specifically?

Ms. Lisa MacLeod: Health care services. I understand in even dealing with some of the health centres in our community that it's much more than that, but in terms of health care.

Ms. Janice Beazley: It is. I guess if I think of the aboriginal population initially, one of the issues there is that many, many aboriginal people access health care in the northwest in the mainstream system, so they have that kind of access. For the communities that are only accessible by air and by winter road, and we have 28 First Nations communities much further north, we've really used the Ontario telehealth network system, the OTN system, and the connections that we have with the aboriginal health access centres and the nurse practitioner clinics that they're working with. Again, we see that as a real partnership.

It's really important for us in the northwest—you may or may not be aware that we have two board members who are of aboriginal descent, and they really do provide a lot of information and feedback to us. They provided some education and cultural awareness sessions for us as a board, and we found that to be very beneficial as it relates to the aboriginal piece. I think I mentioned about the conference, or I shouldn't call it a conference, the forums that we had, where we were seeking that information on the types of services that we could have some impact on helping to provide to them.

Of course, there are also the jurisdictional issues, as you're well aware, between the provincial system and what the federal government funds for them. We're looking at those in a partnership way as much as possible between the provincial government and the federal government, in terms of access to service for aboriginals.

Ms. Lisa MacLeod: And just one final question that occurs to me, and it's more of my own interest: You paint a very good picture when you say that they're remote communities and you have to sort of shuttle between them. How is the level of pediatric care in those remote communities, in terms of our children who are living in the north? Do they have adequate resources? Because this is your five minutes to tell us what you need.

Ms. Janice Beazley: Well, in my own personal health care experience, if I speak from that perspective, I don't

believe that it's totally adequate. I believe that under the circumstances we are in in some of those communities, everyone—the federal government and the provincial government—is doing the very best that we can, but there's more we can do. There are many things. When I look at chronic disease prevention and management—you mentioned children and the issues of diabetes in children. We've done a number of "train the trainer" programs and set up a number of diabetes education programs specifically for aboriginal children, but also others, to try to help deal with some of those issues. If I look at just that one example, we're really making inroads, but yes, there's much more to do.

Ms. Lisa MacLeod: Thank you very much. You were very fascinating. I appreciate that.

The Chair (Mrs. Julia Munro): We'll move on to Mrs. Gélinas.

M^me^ France Gélinas: Thank you, Ms. Beazley, and thank you for coming all the way down. I know the trip all too well; it's a long one.

I wanted to ask you a little bit about how you feel about the accountability mechanism that exists at the level of the LHINs and if you are satisfied. I know that you've negotiated your first accountability agreement with hospitals; if you could comment on that.

Ms. Janice Beazley: Probably everyone here is aware that we do have our MOU with the minister's office, and we also have our LHIN ministry accountability agreements, as well as the accountability agreements now with the hospitals. When you ask if we're satisfied, I think this has been a foundational approach. We've just started down this road. We've used a very collaborative approach with our hospital partners in working through those agreements with them, between ourselves and our senior team. I think that that has been very important. We have had some issues and some challenges, obviously, but both teams have been very committed to keep on working together, so it hasn't been adversarial in our particular LHIN. As well, our boards have also made the effort to meet and communicate in areas where we are having some difficulties, and that has gone exceptionally well as well, and actually made a further commitment to continue meeting on a very regular basis, so we're using that approach as collaborative.

I feel it's a very positive step forward for us, and I guess the rest is sort of wait and see as we get a little more experience under our belt over the next year or two.

M^me^ France Gélinas: Okay. Were any of the hospitals in your LHIN catchment area having problems balancing their budgets?

Ms. Janice Beazley: Yes. We have two that currently have still not signed their agreement, and we're working through that process with them. Next week, as a matter of fact, we have some folks up who are doing a third party review in Kenora. That was mutually agreed upon between that hospital board and the LHIN board to help them sort of re-look at their operation, and they're looking forward to that. We're also working through the various steps with Thunder Bay Regional Health Sciences Centre.

M^me^ France Gélinas: Coming back a little bit to the issue of privatization that Mrs. MacLeod had put forward: If a hospital just cannot balance with the money they have and put forward to the LHINs a solution that would include divesting outpatient physiotherapy to the private sector, is this something that would be agreeable to you?

Ms. Janice Beazley: Our focus, again, when we've even thought about any of those types of issues is, if divestment of some service is required, we would like to see it done in non-clinical, non-front-line areas, because we feel, particularly for us in the northwest, we're underserviced to start with, so for us to even remotely consider that type of divestment, no, that would not work well for us.

M^me^ France Gélinas: On what basis wouldn't it work well?

Ms. Janice Beazley: From the perspective that we're probably already underserviced. You're using the physiotherapy example, so in all likelihood, there is not someone within the community—another clinic or whatever the case may be—that could help pick up that service for our community or for our residents. That's something that would create concern for us. We would want to look at other alternatives, also respecting the role that hospital and their board of directors have to make—they're still accountable and responsible for their own operation. Hopefully they would work in partnership with us prior to making some sort of a major decision like that in terms of a clinical service.

1450

M^me^ France Gélinas: I'm still not—

Ms. Janice Beazley: I'm sorry, I'm not answering your question?

M^me^ France Gélinas: No, you are. I'm still not exactly sure where you stand. I mean, you say things like you are committed to publicly funded medicare, but at the same time, you've answered—her question, like my question, had privatization in it, as in, divest it to a private physiotherapy clinic. You didn't pick up on that, so I'm getting a little bit of a mixed message as to where you stand toward privatization of clinical services.

Ms. Janice Beazley: My personal philosophy?

M^me^ France Gélinas: That's what I want, your personal philosophy.

Ms. Janice Beazley: Sorry, maybe I'm trying to play the diplomat; I'm not sure. My personal philosophy is publicly funded health care, not privatized health care. That's how I feel, personally. In the role that I have to play, or am playing, I feel that it's important we look at all the options, ensuring that every possible route is followed to make our publicly funded system work and work efficiently the way it needs to work. I would be very reluctant to ever want to see something like outpatient physio become privatized.

M^me^ France Gélinas: Okay. What would you say is the most serious challenge facing the North West LHIN right now?

Ms. Janice Beazley: The most serious, I would probably have to say, is accessibility, access to health

services. We talked a little bit before about the whole issue of the geography. That's a huge challenge for us in a number of areas, so that would be the one.

M^me^ France Gélinas: Okay. Would you say, in the three years that you've been there, that the LHIN has been able to make a difference in this most crucial area of accessibility?

Ms. Janice Beazley: Yes. I feel I can say that very definitively. If I look at the wait time strategy and the whole issue around wait times, we in the North West LHIN over the past three years have dramatically decreased wait times in every area, with the exception of MRI. We're working very closely on that one and hopefully within this next year we'll meet those targets. I feel quite good about saying yes.

M^me^ France Gélinas: Have you thought about whether other services should be under the LHINs? I'm thinking primary care, public health etc. Or are you satisfied with the division there, the ministry keeping some, and some with the LHINs?

Ms. Janice Beazley: Again, my personal philosophy is that I think full integration is always a really good thing, because I think it helps us work more closely together. Again, maybe there's more administrative-type efficiencies that can be achieved through that. However, in the system that we're in, we've got a very good partnering relationship with the community health centres, our physician engagement group and public health. They're at the table with us as we're planning and moving forward on initiatives. So we feel we've got a good rapport with those other health care organizations that are able to help us move forward. At the end of the day, they're interested in the same thing we are.

M^me^ France Gélinas: So you're comfortable with the way the system was split, with some of it staying financed by the ministry and others being financed by the LHIN?

Ms. Janice Beazley: When you say comfortable—we can work within the system that's currently there. Would I like to see more of that pulled into the LHIN? Yes.

M^me^ France Gélinas: What would be your top pick?

Ms. Janice Beazley: Public health.

M^me^ France Gélinas: Public health, okay. You have mentioned that you certainly have the highest concentration of First Nations in your LHIN. I was wondering, aside from your work with this LHIN, what is your experience working with First Nations?

Ms. Janice Beazley: When I was working in Fort Frances previously, I was on the executive team of Riverside Health Care Facilities in Fort Frances. I worked with that hospital organization for 18 years, so again, we had an opportunity there to work with our aboriginal partners in other health programming and things like that, and also with the aboriginal health access centre that they have located in Fort Frances, which I know they're using as a model in some other areas.

From a personal perspective, I have a daughter-in-law who is aboriginal and two grandchildren who are aboriginal.

M^me^ France Gélinas: All right. When the little vans spread out throughout the province, you got some too?

Ms. Janice Beazley: Yes, we did—eight, I believe.

M^me^ France Gélinas: Were you able to make them wheelchair-accessible in the northwest, or was that an issue?

Ms. Janice Beazley: It was expressed as an issue by, I believe, one or two of the groups that received those vans to run. For the most part, what we're doing at this point in time—I'll give you an example. The Red Cross in Thunder Bay was the recipient of two of those. They also had other handicapped-accessible vans within their system that they were using. So what they're doing is seeing how that works out over a period of time, because then the ones that aren't handicapped-accessible may be used for ambulatory-type seniors and others to get to appointments and things. So we're using a little bit of that wait and see. We do have the ability to retrofit a couple of them, and that may be the sort of thing we need to do in the future, but we're sort of assessing that now over the next six or eight months to see how that goes.

M^me^ France Gélinas: Okay. Those were my questions. Again, thank you for coming down.

Ms. Janice Beazley: Thank you.

The Chair (Mrs. Julia Munro): Mr. Brown.

Mr. Michael A. Brown: Thank you. I believe I'm the only member here who has communities that are in the North West LHIN. I'm pleased to represent Manitouwadge and Pic Mobert. So I'm pleased to see you. I also believe that your board members have made a good choice in recommending you to come here today. So I thank you for that.

Just so my colleagues have some comprehension, I know that it took you a considerable amount of time to arrive here today. And just so that my friends know, when we're in Toronto, we're as close to the Florida border as we are to where you live.

Ms. Janice Beazley: Yes.

Mr. Michael A. Brown: I think that is something that people sometimes need to understand. So congratulations.

Ms. Lisa MacLeod: So when are you going to invite us all up, Mike?

Mr. Michael A. Brown: Come on, Lisa.

Ms. Janice Beazley: You're welcome to come anytime. I have a place that you'd probably enjoy staying at.

Ms. Lisa MacLeod: This is televised.

Ms. Janice Beazley: Is it? Oh, well, maybe we'd better can that part of it.

Mr. Michael A. Brown: Anyway, I've had the opportunity, as have some of my have colleagues, to visit many of your health care facilities over the years, from Fort Frances to Dryden to Kenora and many other places. You're doing a wonderful job in an area that has some extreme circumstances at times. So thank you, and the government will be supporting your appointment.

Ms. Janice Beazley: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much for coming. I would just like to say that I've been

to Fort Frances several times and I know exactly how far it is. I did tell other people that I could get to Florida just as easily. So I appreciate that you've come today. Thank you very much for being here.

Ms. Janice Beazley: Thank you very much.

LLOYD KOMORI

Review of intended appointment, selected by third party: Lloyd Komori, intended appointee as member, Toronto Central Local Health Integration Network.

The Chair (Mrs. Julia Munro): I would like to move now to the next person, who is Lloyd Komori. We'd ask Mr. Komori to come forward. He is the intended appointee as member, Toronto Central Local Health Integration Network.

Ms. Lisa MacLeod: Madam Chair, what happened to Joanne Jackson?

The Chair (Mrs. Julia Munro): I'm sorry. Mr. Komori has an appointment. We asked Ms. Jackson if she would mind, and she has kindly agreed to allow Mr. Komori to go first. I should have made that clear to the committee.

Mr. Komori, welcome to the committee. We appreciate your coming, and we certainly want to accommodate our intended appointees as much as we can. You have a few minutes. You may make a statement if you wish, and then we will have questions from the members of the committee.

Mr. Lloyd Komori: Thank you, Madam Chair, and to the committee for your consideration. I had a sudden change—I have a business planning meeting. I have a board meeting coming up in a couple of days, and my chairman decided to change the date of this meeting. So I apologize for that.

Good afternoon, ladies and gentlemen of this committee. I am going to avail myself of some time to state some opening remarks. It's a hard act to follow, given the previous lady and her extreme qualifications in health care.

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I appreciate the opportunity to be presented to this committee for consideration for appointment to the Toronto Central LHIN.

I'd like to take a few minutes just to highlight some of my personal motivations for applying for this position, as well as the nature of the contribution that I hope to make.

The public health care system in Ontario is highly regarded for its universal availability, its quality of patient care and its ability to meet some growing challenges. However, there are several trends and economic developments that give rise to some very significant challenges and risks that will need to be addressed by the health care sector. More specifically, our aging population, rising costs, finite financial resources and the growing demands of diverse health care services have combined to create an environment of uncertainty and risk. In order to navigate this perfect storm, health care organizations such as LHINs will need to demonstrate to their stakeholders the highest level of prudent oversight, transparency and risk management capabilities.

These capabilities are the foundation blocks of modern corporate governance, and success or failure of various health care initiatives will be, in part, assessed by many using these standards. I see this challenging environment as an opportunity for me to step up to the plate, be part of the solution and contribute to the well-being of Ontario's health care system.

The nature of my contribution to the Toronto Central LHIN is based on four elements.

The first element can be characterized by the first 15 years of my career, working in the financial services industry, where I developed a comprehensive set of tools, skills and knowledge in finance. It was during this time that I learned the complexities of cost versus benefit, return on investment and, naturally, all the factors that create exceptions to all of these disciplines.

The second element is based on the 11 years that followed that, when I was a consultant, when I developed insights related to governance and risk management, how it's best designed and how it's actually implemented, and how boards of directors actually operate effectively. During this period, I developed a keen understanding of the importance of non-financial factors in tactical and strategic decision-making—because it's not about the numbers. If problems could be solved by numbers, we'd all have computers; we would have no people. Some of these issues that are non-financial include employee engagement, corporate social responsibility and environmental sustainability.

The third element relates to my current position at Ontario Power Generation, where I fulfill two key roles. I am the chief risk officer, and I'm also the chief audit executive. Since my arrival in the spring of 2006 to OPG, I have effected significant change to how the corporation performs its risk management, while at the same time significantly altering how the board looks at its internal audit function. These changes are essential steps, in my opinion, that will help the corporation meet its ambitious objectives, as set forth by the province.

The fourth and last element relates to my ongoing involvement as an active faculty member of the board certification program at McMaster University. My participation in the program, as an instructor, has provided me insights into some of the current challenges faced by directors, who must strive to meet continually escalating governance standards. In addition to being part of the faculty, I've also been awarded the program certification for audits and been certified as chartered director.

It is clear from my biography, which I know you have, that I am not a health care professional. But I believe that the specific skills, experience and expertise that I have complement the current capabilities of some of the members of the Toronto Central LHIN, and I hope to join them in helping them meet their strategic objectives.

I'll be looking forward to answering your questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the government.

M^me^ France Gélinas: Madam Chair, wasn't it my turn?

The Chair (Mrs. Julia Munro): Frankly, I was doing this to make it easier for myself, simply because we took Mr. Komori out of order. So then I thought, okay, if I keep that part of it together and then come back to Ms. Jackson—is that okay?

M^me^ France Gélinas: That's okay.

The Chair (Mrs. Julia Munro): I can see I may need to provide explanatory notes for all of my minor changes to our scheduling here. Having done so, can we have comment from the government members—one of them?

Mr. Michael A. Brown: Thank you, Madam Chair.

Good afternoon. We are most delighted to have your application before us today. The government is fully supportive of your appointment. We believe that you have a lot to contribute and that financial management is important in the health care system. As someone noted early on, we spend 46% of our revenues here in the province on health care, and we need to be able to deliver that as effectively as possible. I just offer our congratulations for putting your name forward.

Mr. Lloyd Komori: Thank you.

The Chair (Mrs. Julia Munro): We'll move to Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, Mr. Komori. It was a pleasure to hear your dissertation. Just two very quick questions: What part of Toronto are you from?

Mr. Lloyd Komori: I live in the central part of the city.

Ms. Lisa MacLeod: You live in the central?

Mr. Lloyd Komori: Yes.

Ms. Lisa MacLeod: And do you know what—

Mr. Lloyd Komori: Embarrassingly close to this building.

Ms. Lisa MacLeod: Okay. What provincial riding are you—local?

Mr. Lloyd Komori: I think it would be Toronto Centre.

Ms. Lisa MacLeod: Okay.

Mr. Lloyd Komori: I'm sorry; I'm not politically inclined.

Ms. Lisa MacLeod: I was just asking in terms of geography. I'm actually from Ottawa, so I don't know the city that well myself. Just one very quick question relating to your business background: Are you open to private investment into the public delivery of health care?

Mr. Lloyd Komori: I think that the availability of public health care—the public health care system in Canada and in Ontario, obviously, is pretty important. I don't mean to dance around this issue, but I'm not going to apply a pure business-type discipline to understand whether business should be investing in health care. I don't know enough about the issue. I have some knowledge of it, but clearly it's a very complicated issue. I don't want to be wiggling off the hook here, but I don't think I'm in a position to really comment on that.

Ms. Lisa MacLeod: In terms philosophically, though, if you were at a LHIN meeting and there was an opportunity to expand a health care facility if there was private investment brought in, would you be open-minded to that?

Mr. Lloyd Komori: I think as long as there's no degradation or negative impact on the existing services. I guess the issue of being on a slippery slope has probably been brought up at times in some of these discussions. This is only me hypothesizing that if you start to privatize one element, all of a sudden more and more elements start to slip away. I think you'd have to really get at what the motivation was behind private enterprise wanting to form or deliver services, and to the extent that they can do so efficiently and not endanger the public health care system, I don't see why that couldn't be considered. At the end of the day, it's for patient care.

Ms. Lisa MacLeod: And what if patient care were to benefit?

Mr. Lloyd Komori: I think that's important. Ultimately, that's what we're all here for.

Ms. Lisa MacLeod: So that's your primary concern.

Mr. Lloyd Komori: I would say so.

Ms. Lisa MacLeod: So if the primary concern, for example, would be to bring an MRI to one of your local clinics and the LHIN couldn't fund it but did go out to a private citizen or a private company to request that they bring the MRI into operation, which would benefit my constituents and your constituents but they're still paying through their OHIP card, would you be open to that?

Mr. Lloyd Komori: Again, if all else is exhausted, if all other solutions were exhausted, that it cannot, in the current framework, meet those specific needs—I think you have to look at: "Am I in a position to make a decision or a recommendation on a public policy issue like that?" I don't think so. At the end of the day, we all have to think about what we're trying to accomplish. My apologies for being evasive, but I don't think I can really answer that with a clear yes or no. Sorry.

Ms. Lisa MacLeod: Okay. That's fine. Thank you.

The Chair (Mrs. Julia Munro): We'll move to Ms. Gélinas.

M^me^ France Gélinas: Good afternoon. A pleasure to meet you, Mr. Komori. I kind of liked your answer to the last question. The privatization of medicare is currently a policy issue, and this is the type of policy that should be clearly given to the LHINs, as to, is Ontario open to privatization of our public health care system or not? Just to get your thoughts—again, it's the same line—and if you don't know, it's okay: Do you believe that a private clinic for anything, be it cataract surgery, physiotherapy—we'll take cataract surgery. Do you believe that if we had a parallel system of private clinics where people who can afford to pay, this would decrease the wait times for the public system and that would be a good thing for medicare?

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Interjection: Absolutely.

M^me^ France Gélinas: I didn't ask you.

Mr. Lloyd Komori: Not being privy to how much wait time there actually is with regard to cataract examinations and the extent of the source of those delays—how much demand there is relative to the supply and having the statistics that decompose it—I can't say that for sure. What I believe is done in business can look complicated. At the end of the day, it should come down to some very, very simple principles, and I think those principles need to be transparent; people need to be accountable for them, and they need to be understood. I have read the LHIN mandate, so I understand its principle. I think if you can be true to that, you're not going to get yourself in trouble. If you start getting away from that, I think you might find yourself standing on a slippery slope a little bit.

M^me^ France Gélinas: Although I can tell you don't have a strong background in health, I think your principles are in the right place. Medicare, the publicly funded health care system, is something that everybody in Ontario cherishes. As soon as you open the door to privatization, for one good reason or another, you enter a slippery slope there will be no backing out of. So I admire your principles, and I think you will serve your LHIN very well.

I was interested by some of the work that you talked about in governance design. You've done some consulting work, I take it. Did you have a chance to look at how LHINs were organized and the governance of LHINs, and are you ready to comment. Or have you had a chance to look?

Mr. Lloyd Komori: No, my governance work was focused primarily on the private sector, not involving government.

M^me^ France Gélinas: Do you think there are principles that will go from—have you sat on a not-for-profit board of directors before?

Mr. Lloyd Komori: Yes, I have. I was brought onto a couple of not-for-profit boards specifically for my governance background, to sort of give them structure, because a lot of them don't have it; they don't know where to start. So those good governance principles are pretty much universal, I think. It's about accountability; it's about transparency; it's about writing things down. There's no difference between whether it's in business or if it's public, not-for-profit; I think those principles still apply.

M^me^ France Gélinas: They do. Did you have a chance to look at the accountabilities of the LHIN, how it is accountable to the ministry and how the transfer payment agencies are accountable to the LHIN?

Mr. Lloyd Komori: I did read the accountability statement.

M^me^ France Gélinas: Do you have an opinion or something you'd like to share with us?

Mr. Lloyd Komori: Not really. It looked like obviously a lot of good work had been put into place. It's kind of like what I've seen in other organizations. If, in fact, they could do a lot of what they—I've been in corporations where they write down policy and procedures in their governance, and I sat back, as an external consultant, and said, "If you can do all that, then you really don't need me to be here." Again, I don't know how it's actually being performed, but I think from its structure, it seems to be intuitive and it seems to be logical.

M^me^ France Gélinas: For a citizen of central Toronto, what would you say is the biggest challenge to the LHIN and to health care in Toronto central?

Mr. Lloyd Komori: Luckily I'm not a client yet, but at some point I suppose I might be. I've read the demographic analysis of the Toronto Central LHIN, and it's a study in diversity, the difference between those who are very, very well off from a financial perspective and those who are not. It has a very, very wide diversity of people who are young and also people who are elderly. So I think some of the greatest challenges will be around integration, which at its core is how to pull the whole thing together in one of the most populous LHINs of the province. That's the challenge to me. This, to me, is about challenge, and I see that being a huge challenge for the central LHIN as well as for Ontario in general. You shouldn't be sitting back, looking at a problem and kind of going, "Okay, here's a problem," and then turn your ear sideways. So it's an opportunity to effect change and for me to have an impact on that. I need to study the issues and then, hopefully, I can make some marginal impact being part of their board of directors.

M^me^ France Gélinas: Sounds good. Good luck to you.

Mr. Lloyd Komori: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much for coming, and that concludes the questions from the members. We appreciate your being here today.

Mr. Lloyd Komori: Thank you, Madam Chair.

JOANNE JACKSON

Review of intended appointment, selected by official opposition party: Joanne Jackson, intended appointee as member, Ontario Film Review Board.

The Chair (Mrs. Julia Munro): Now I would like to ask Joanne Jackson to come forward. Thank you very much for coming today and for agreeing to step out of line and allow us to allow Mr. Komori to go ahead of you. We appreciate that.

Ms. Joanne Jackson: No problem. I'm just going to grab a little bit of water.

The Chair (Mrs. Julia Munro): Of course. As you know from observation, you have an opportunity to make any statements that you wish, and then we will have questions, and we will begin with the third party.

Ms. Joanne Jackson: I am going to present a little bit about myself to you, more than what's on the resumé. Good afternoon, and thank you, Madam Chair and members of the public appointments committee, for inviting me here today.

It's my privilege to be considered as a member of the Ontario Film Review Board and I appreciate your taking my application. I've been working in the television

production business for over 20 years, so I hope to bring my knowledge about production techniques, marketing and evaluative skills to the board—I do a lot of work that's evaluative right now for broadcasters—along with my sensibilities as a parent and as a citizen in the community.

First, I'd like to mention that I've never worked on a feature film or a video game, but my life work started out in TV stations and it has been primarily television production focused, with an information, factual, lifestyle storytelling side—with a brief stint in TV news.

I was raised in northern Ontario, in Mr. Ramsay's riding—New Liskeard. I spent my youth in the area which is now part of the Temiskaming Shores community about 100 miles north of North Bay. I also did grade 12 in Cochrane High School. So I'm a girl from the north, basically, and have those rural sensibilities about me still.

I currently live in Durham region, in Ajax, and have a lot of family R&R time in Haliburton county. I came to Toronto to attend Ryerson Polytechnical Institute, because if you wanted to work in radio and TV, that's where you had to go in the 1970s.

My work has primarily been GTA-based but I've also been able to travel and see different parts of the world and have had the privilege of working on two Olympics in the past, which has been amazing. I also took political philosophy when I was at Ryerson. While I'm not a real political animal, I did take on a role of representing the RTA department in the politics committee within Ryerson.

My first real job in the business was at Citytv, and working there made me realize how important media and film are to the community. Since that time, I've had a lot of varied experiences, including managing a cable-based community television station in Durham region, which taught me a lot about being responsive to the needs and sensitivities of the community. I was also on staff at youth broadcaster YTV for 12 years. I've freelanced for CBC national news, Alliance Atlantis Broadcasting, WTN, the Women's Television Network, which is now W Network, CTV, and I'm currently doing some contract work with the Discovery Channel. It has been a successful career amid a rapidly changing landscape, and it has been a time of constant learning and adaptability.

Throughout my life I've also found time to be involved in the community and volunteer. Before I had my own family, I was a volunteer for Metro children's aid and did the Big Sister role—or they call it a Special Friend. While I was there I also produced a video for the organization to help them recruit volunteers. When I was at YTV, I was on the sexual stereotyping committee and I helped start up the workplace daycare. I was an active board member of that daycare for six years. I also saw a really unique program that YTV did called the YTV Achievement Awards. Some of you may remember it. It was a community-based program that awarded national youth awards to kids all across the country. So I oversaw 15 categories that included things like public service, innovation and performing arts. My involvement with that production led to an invitation to join the board of directors for the national youth foundation, which was based in Ottawa. I was on that board from 1995-2000.

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When Canadian Women in Communications, or CWC, wanted to start regional chapters, I co-chaired the initial steering committee to build an active Toronto chapter. It was a four-year volunteer commitment I took very seriously. When they needed help producing videos for their big awards gala show, guess who they asked? It was me, so I volunteered my time and resources once again to that organization in 2004 and 2005.

Similarly, in 2004, I produced the opening ceremonies and awards for the Innoversity Summit. I don't know if anyone here has heard of it. It's a conference that's dedicated to diversity in film, television and media. I donated my time and services for that.

I'm currently a member of the Documentary Organization of Canada, the academy of cinema and television, and I have volunteered my time chairing Gemini juries.

In 2005, I became involved with Operation Katrina. I don't know if any of you have heard of it. There was a Bowmanville truck driver named Peter Bruno who took relief supplies down to Mississippi. He was the first long-haul trucker from anywhere in North America. My partner, Doug, is a cameraman, so he was able to hop in the truck and go with him. We were able to share that story with the rest of Canada through a documentary. If you are interested in Peter's story, he's just had his third heart attack. He's not in a great way right now. There are a group of people who have started up a trust fund for him to help him get back on his feet, because he's probably going to lose his driving licence.

Today, I'm seeking this position for the Ontario Film Review Board because I believe it's another way to give back to the community. I hope that my business skills and my technical and evaluative skills gained in the television industry will be an asset to the board that the public will benefit from. Thank you.

The Chair (Mrs. Julia Munro): Thank you. Ms. Gélinas?

M^me^ France Gélinas: I noticed that you said you were self-employed. I think you will have the flexibility to attend the film review board meetings. Do you know how many days those will be and what kind of demands it will put on your time?

Ms. Joanne Jackson: I spoke to the chair, Janet Robinson, and she said three to four days a month. Given my situation, I have a fair bit of flexibility to work at home, even for the contract I'm doing now with the Discovery Channel, and take days when I need them. I think I'll be able to contribute those days, maybe more.

M^me^ France Gélinas: Have you ever attended any of the Ontario Film Review Board's public screenings?

Ms. Joanne Jackson: I haven't, but I'm really looking forward to it. I think it'll be a great opportunity.

M^me^ France Gélinas: What motivated you to seek that position rather than any other? There's lots of opportunity to give back to your community. Why this one?

Ms. Joanne Jackson: I think it's a unique opportunity where my skills might be quite useful. I'm always looking for that. I was also looking for things that fit in with the other freelance work that I do. A friend of mine had been on the Ontario Film Review Board before. She told me a little bit about it and said, "I think you'd like it," so that's why I'm volunteering.

M^me^ France Gélinas: Sounds good. Those are my questions.

The Chair (Mrs. Julia Munro): Mr. Flynn?

Mr. Kevin Daniel Flynn: Mr. Brown isn't here, but if he was, I think he'd say you're a wonderful person and we're really glad you applied for the job. I think you did a terrific presentation. It appears you do bring a lot to the table, and we're looking forward to supporting this.

Ms. Joanne Jackson: Thank you very much.

The Chair (Mrs. Julia Munro): We'll move on. Ms. MacLeod?

Ms. Lisa MacLeod: Thank you very much, Ms. Jackson. It's very important that you're here today. The role you're about to take is very important to the province's children. That's why the official opposition called you in.

I've got a little background in this; it's not direct. My uncle was a film classification review officer in Nova Scotia, and at the time—he's since passed now—a few years back, he made a very important decision, I think. If there are parents with their children at home, just turn this down a little bit. He was the person who decided to ban the Bastard Out of Carolina from Nova Scotia, and the Maritimes provinces followed, because of the explicitness in those scenes and how drastically it was portrayed, for a child. As somebody who espouses freedom of expression and freedom of speech, there are limits, and I was so proud of my uncle at the time. I remember him telling us. He had achieved national recognition for this on both sides. Of course, people thought that he shouldn't have done it, but I was proud of him because he stood up and said, "Well, if that were my child," and different things.

I just want you to know that that may happen to you. You may see something, and you will have that philosophical debate in your head: There is freedom of expression, but there are also limits to that. You must protect Ontario's and, in some cases, Canada's children. I just wanted to say that and wish you well because you are going to get a lot of free movies—sometimes they give you popcorn; I was a recipient of that as a kid—but you may be at a crossroads. I just wanted to see if you had any comments on that. I applaud your work with YTV, and I think that that's wonderful, the community commitment, but this is a very interesting job, and I don't want anyone to think it's just all free movies because it is tough decisions.

Ms. Joanne Jackson: I understand, and I'm not afraid to speak up if I don't agree with something that someone else on the panel wants to put forth as a PG show or something like that. I will not be afraid to speak up because I did work at YTV, and we looked at a lot of stuff and sexual stereotyping. I took that role very seriously, and I will in this position as well.

Ms. Lisa MacLeod: I appreciate that. Just one other question: I was interested in your CV, where you said you worked on the sex role stereotyping committee. Could you just expound on that for us? I thought that was quite fascinating, but I'd like to know a little more.

Ms. Joanne Jackson: In the early days of YTV, they used to run music videos, quite a few of them actually. The music videos all had to go through this committee where we would look at the images and decide if they were suitable or not for the network. We were very conscientious about it being a safe place for kids, even to the point that there were products that we wouldn't take the ads for on YTV.

Ms. Lisa MacLeod: Thank you very much, Ms. Jackson. I wish you well.

Ms. Joanne Jackson: Okay. Thank you very much.

The Chair (Mrs. Julia Munro): That concludes the questions from the committee. I appreciate your coming and being able to be so flexible for us. Thank you.

Ms. Joanne Jackson: Thank you very much.

MAUREEN DOYLE

Review of intended appointment, selected by official opposition party: Maureen Doyle, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): I'd like to move on to our next interview with Maureen Doyle, the intended appointee as member, Human Rights Tribunal of Ontario. Good afternoon, and welcome to the committee, Ms. Doyle.

Ms. Maureen Doyle: Good afternoon. Thank you.

The Chair (Mrs. Julia Munro): As you will have observed, you have an opportunity to make a presentation yourself, and then we will entertain questions from members of the committee.

Ms. Maureen Doyle: Thank you very much.

The Chair (Mrs. Julia Munro): So as soon as you're comfortable, you may proceed.

Ms. Maureen Doyle: Good afternoon, Madam Chair, members of the committee. Thank you for the opportunity to speak to you today regarding my background and my interest in the position of member of the Human Rights Tribunal.

I grew up in Ottawa and in Niagara Falls, Ontario. As you may have already noted from my resumé, I went to King's College at the University of Western Ontario for my bachelor's degree. My degree was in English literature and religious studies, with a minor in French. On the completion of my B.A., having spent one summer earning academic credit in Trois-Pistoles in Quebec, I studied French for a year at the Centre international at l'Université Catholique de l'Ouest in Angers, France. Following that, I returned to Canada and obtained a bachelor of education degree at Brock University.

I then spent the next five years working as a French teacher and taking in-service courses, particularly in

French-language teaching, in educating children with special needs, and in religious education. I taught as an itinerant French teacher in two schools in small centres in Simcoe county, and then I taught for the remainder of my time as a teacher, the majority in fact, in one school in Scarborough, Ontario. To be frank, my original goal in going into teaching had been to teach religion in high school, but I actually immensely enjoyed working with children in grades 1 to 8 teaching French.

I was always keen to make the language that I was teaching relevant to them and to their understanding of the world around them. I tried to use the opportunities available to me in that position as a French teacher to encourage them to become aware of the diverse world around them and the possibilities that surrounded them.

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I recall, for example, always trying to avoid translating as I taught, so I would instead draw pictures on the board to try to get ideas across. I recall—this was in the early 1980s, I think—illustrating the word for "secretary" on the board by drawing a man at typewriter. The children struggled with that for a few moments, but it was a wonderful learning moment when I saw them realizing, dawning: This was in fact a picture of a secretary, and that's what the word that I was using actually meant.

I enjoyed my years teaching, but I began to look for a new challenge, and so after several years of teaching, I returned to school in 1986 and began studies at York University's Osgoode Hall Law School, where I received my L.LB. in 1989. While I was at law school, I did volunteer work at the school's legal clinic, known as CLASP, working in what was then referred to as the workers' compensation division. Additionally, while at law school, I spent one summer and one entire term working full time for academic credit at Parkdale Community Legal Services, which is a law clinic in the Parkdale area of Toronto. The clinic gears its services to lower-income residents of Parkdale, providing legal education, advice and representation in several targeted areas. The area in which I worked was the workers' rights division.

I then articled at the law firm of Gowling, Strathy and Henderson in Toronto, working primarily in the area of labour law. Following my bar admission courses and exams, and the birth of my first child, in 1991, I began work at the firm of Ryder Whitaker Wright and Chapman. I became a partner there in January 1994 when I returned from maternity leave after the birth of my second child. I continued to work there until I left what had become Ryder Wright Blair and Doyle to accept an appointment as a part-time vice-chair at the Workplace Safety and Insurance Appeals Tribunal. I was appointed there in 2004, but had to take a little time to wind down my practice and actually commenced work there in January 2005.

In my 14 years of private practice, I worked primarily on behalf of unions and employees, giving advice to clients and representing them before various administrative tribunals, including grievance arbitrations, the Ontario Labour Relations Board and the public service Grievance Settlement Board. During my years in private practice, my work in mediation and arbitration of disputes included numerous opportunities to address issues of human rights as incorporated into collective agreements between unions and employers. While I did work with employees making complaint to the Human Rights Commission, most frequently for me these issues were dealt with in the context of grievance arbitration, where hearings took place before an arbitrator with the subject matter of the grievance being discrimination on a basis prohibited by the Human Rights Code.

In addition to hearings, however, I often participated in mediation of these disputes, where parties worked together to craft solutions which would address their rights and responsibilities in a creative and effective way. Examples of such mediated solutions included settlements where work arrangements were structured in such ways as to accommodate disabilities, as well as putting into place education programs for workplace audiences.

Some of these settlements had far-reaching implications which went beyond the matter at hand, the matter being litigated at that moment. For example, in negotiating and structuring a work-at-home arrangement for an employee with a disability, it became recognized midstream by the parties as the template by which this very large employer would ensure accommodations of its employees with such disabilities.

Additionally, during my time in private practice, I was called upon to deliver educational seminars to client groups, especially with regard not only to their rights but also their responsibilities vis-à-vis issues of accommodation in the workplace. I've had from a very early time a keen awareness of the need for us as a community to encourage, to support and to facilitate the full participation in society of all our members. I've known that that participation must be participation with dignity.

On a very personal level—minor, but it was striking for me, perhaps because it's such an old memory. I always recall going on a trip overseas with my family when I was very small. My grandmother was in a wheelchair with us. We were flying out of New York City—this was in the 1960s—out of JFK airport. There were no ramps or elevators to be used, and my father had to haul my grandmother up and down flights of stairs. That image, as I say, has remained with me as being one which I knew even then was an unacceptable image.

Continuing for a moment on a personal level, I must admit it was a moment of enormous pride for me when my eldest son, in announcing in the spring of this year his choice for university next year, advised us that he was in no small part influenced in his decision by the fact that he expected the university he had chosen would be a very diverse and therefore very interesting and stimulating community.

As an educator, first of children and then institutional clients, and as a litigator, I've worked enthusiastically to support the goals of the Human Rights Code and the right of full participation of all in the life of our province.

When I moved out of private practice into the role of a neutral adjudicator as a vice-chair at the Workplace Safety and Insurance Appeals Tribunal, I was gratified by the many expressions of goodwill and support I received, both from members of the labour side of the bar and the management side of the bar. In particular, though, I was buoyed by the congratulations and support that I received from experienced neutrals—arbitrators, mediators, vice-chairs—before whom I had appeared for many years. They expressed to me their confidence in my ability to act as a neutral decision-maker, as someone who'd be able to take a balanced view and provide fair resolutions and decisions.

My responsibilities at WSIAT, the Workplace Safety and Insurance Appeals Tribunal, are primarily to conduct hearings and to write decisions. I sit sometimes alone as a single vice-chair, sometimes as a vice-chair on a panel of three members. It's not entirely unusual for an unrepresented individual to appear before me. In these instances, in particular, the individual may or may not have a clear understanding of the process and the issues before the tribunal. I'm required to use an expert, active approach to ensure that the facts and arguments necessary for a fair determination of the issue are put before the tribunal. I must also ensure that those appearing before me know that the process is providing them with a meaningful opportunity to be heard. To be successful in this, I must be able to listen attentively and respectfully, analyze and weigh information, ask appropriate questions and communicate clearly with those appearing before me. Additionally, at the tribunal it is not unusual to conduct a hearing with the assistance of translators. At the end of the day, in writing my decisions, I must rely upon my ability to weigh the facts and apply the law in a balanced, impartial fashion to write a well-reasoned decision which clearly explains the result to the parties. I feel that all of these skills which I am called upon to use at the WSIAT would be key in successfully filling the role of a member of the human rights tribunal.

Finally, I just note that I am committed to public service. I feel that the time and the talents we have are to be used to build up our community. I try to do this in my free time as well as in my work. I've had the great privilege of participating in fundraising here and doing field work construction in Tanzania. There, I worked beside Tanzanian people, making bricks for schools and building windmills for clean water for communities. In Canada, I've been honoured to be part of volunteer work through my parish, serving meals to homeless people. As a parent, I have volunteered at my children's schools, including approximately one and a half months of daily volunteering in my son's school when his class lost their French teacher and they were unable to engage a supply teacher who spoke French. Parenthetically, at the end of that year, the English-speaking supply teacher with whom I'd been coordinating advised me that our class had scored the highest in the grammar portion of the final exam.

In summary, I hope you'll find that my combination of education, my experience in and my commitment to human rights, as well as my experience both with alternative dispute resolution and hearing work, and my commitment to public service, make me an acceptable candidate for appointment to the Human Rights Tribunal. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you. We'll begin with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Thank you, Madam Chair.

Thank you, Mrs. Doyle. Just quickly, I wanted to know what provincial riding you live in. It says, according to the research I have, that you're in the riding of St. Paul's.

Ms. Maureen Doyle: I can tell you who my MPP is, and I believe the name of the riding is St. Paul's. It's Mr. Bryant, Mike Bryant.

Ms. Lisa MacLeod: So the former Attorney General.

Ms. Maureen Doyle: That's right.

Ms. Lisa MacLeod: It's just interesting because this is a 22-member board and there are two members already from the former Attorney General's riding.

Two quotes, two excerpts, I want to read, and then I'm going to jump into my questioning. This one's from more left of centre, from David Lepofsky, who is very well known around these parts. He writes, on May 8, 2008, that, "To cope with an anticipated tenfold-plus caseload increase, McGuinty gave the tribunal sweeping power to make rules that override long-standing legal safeguards—safeguards needed to ensure fair hearings. The tribunal proposes new rules to give itself excessive new powers. These are troubling, whether you support or oppose Bill 107."

1540

The National Post, I believe; I do not have the date—oh, sorry; it was April 19, 2008—says: "Instead of passing through the commission for vetting as they do now, individual complaints of discrimination will now go directly to the Ontario Human Rights Tribunal, a change that is designed to alleviate a crippling backlog of cases. A separate Human Rights Legal Support Centre has also been established to guide complainants through the process.

"Freed of its gatekeeper role, the commission will be allowed to bring complaints on its own initiative to the Ontario Human Rights Tribunal, even without individual complainants. It can also intervene in specific complaints if they involve wider issues."

There are a few national issues that have come up recently with respect to Maclean's magazine, and a well-known political commentator out of the west, Ezra Levant, that have certainly brought human rights cases to the forefront for public discussion. With respect, I'd like to know if in your opinion there is a difference between offensive conduct and discriminatory conduct. Do you think that the commission should oppose offensive conduct? In the case of the two excerpts that I just read, do you support the fact that the Ontario Human Rights Commission, without individuals making a complaint, can actually go to your tribunal?

Ms. Maureen Doyle: I'll try to address those in order. I think you've got three questions in there, if I'm not mistaken, the first one being: Is offensive conduct the same as or different than discriminatory conduct? Certainly in legislation, there are grounds—prohibited grounds, they're often referred to as. There is to be no discrimination on prohibited grounds. It's a very large question for me to answer where any particular kind of offensive conduct might fit. All I can say is that I would, in each factual circumstance, have to make reference to the legislation to determine whether or not this was something that we as a province and the Legislature have determined is contrary to the Human Rights Code.

Ms. Lisa MacLeod: Okay. Chief Commissioner Hall has said she'd like to see the number of complaints filed in Ontario "spike" in number. In the context that she will now have more power to bring forward an individual complaint without the individual actually complaining, are you concerned with that?

Ms. Maureen Doyle: To be frank, I hadn't heard that quote previously, so it's not something I've given a tremendous amount of thought to. I think to the extent that a complaint indicates that there is a concern out there, I think we're all always keen to see numbers go down, I would imagine, because we want to improve our society collectively. To the extent that it means that people are feeling empowered to speak up, we also want to be sure that people feel that they do have access to justice. I'm sorry that I'm not able to give you a really direct answer to that other than to say that those are the two considerations that I would have when I see a number going up. Does it mean that there are more problems? Does it mean that people are feeling more empowered?

Ms. Lisa MacLeod: That's very good, because that actually leads me to my next question. The number of complaints in Ontario has declined over the last several years despite our population growth, so it's interesting that the chief commissioner would say that she hopes that the numbers would spike. I'm wondering, in the current context of the increased population with the decline in complaints, is this a good sign or a bad sign, in your opinion?

Ms. Maureen Doyle: I wouldn't have the facts in front of me to be able to form an opinion on that. As I say, I can identify the two perhaps competing views that you would come away from those kinds of figures with, but to know exactly how to get behind those numbers at this point, I can't. I'm sorry.

Ms. Lisa MacLeod: Ms. Doyle, thank you very much. My colleague Randy Hillier has a question.

The Chair (Mrs. Julia Munro): All right, just go through the Chair.

Ms. Lisa MacLeod: Sorry, Madam Chair.

Mr. Randy Hillier: Thank you very much for being here today. I was listening to your comments in your address. I would just like to get you to expand on this a little bit more for my own sake and maybe for others. On a couple of occasions you mentioned "full participation by all." I believe that was in the context of the full participation of all disabled people in all activities.

Ms. Maureen Doyle: I intended it to be broader than the participation of all disabled people. I really intended it to mean that as a diverse community, with all of our differences—my belief is that we all need to be able to make a full contribution to our society.

Mr. Randy Hillier: In all activities? It just seems a little bit odd to me. We all have different impairments in life; we all have different and unique skills and abilities. When you mentioned full participation by all in all parts of society, I just wanted to get that clarification. Do you think we can get to that point where everybody can participate in everything?

Ms. Maureen Doyle: That's a very broad question.

Mr. Randy Hillier: You used it a couple of times.

Ms. Maureen Doyle: I did use it a couple of times because I believe that our society needs to be barrier-free. It needs to allow people to make the contribution to our society that they want to make.

Mr. Randy Hillier: To have the opportunities to do that.

Ms. Maureen Doyle: That's right.

Mr. Randy Hillier: Also, I want to follow up a little bit. In my view, and I'm sure there are others out there who share this view, when we look at the original Human Rights Tribunal and Human Rights Commission, they were looking at discrimination, harassment and reprisals. We've seen that growth beyond just discrimination. My colleague mentioned the case with Levant and Steyn in Maclean's recently, where now opinions are being ruled upon. If opinions can be discriminatory or heresy or creating reprisals, do you believe that we, as individuals in society, have a right not to be offended by others' comments?

Ms. Maureen Doyle: I believe that we as individuals in society have a responsibility to treat each other in a fashion that is consistent with our rights under the human rights legislation. There may be times when others are offended, but the touchstone will always be: What are the rights under our human rights legislation?

Mr. Randy Hillier: The question was, though, do you believe that individuals have a right never to be offended by others' opinions? That was the essence of that case. People found some of those articles offensive.

Ms. Maureen Doyle: I think that it's always going to be a question, again, of: What are the grounds? There are certainly going to be opinions that individual members of society may or may not be offended by. They may be political opinions. They may be any number of opinions, philosophical opinions and so on. But again, the fundamental question that would be before the Human Rights Tribunal is always going to be with reference back to the legislation.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move on to Ms. Gélinas.

M^me^ France Gélinas: I guess that's it.

The Chair (Mrs. Julia Munro): It is.

M^me^ France Gélinas: Bonjour, Madame Doyle.

M^me^ Maureen Doyle: Bonjour.

M^me^ France Gélinas: Vous avez mentionné que vous pouvez parler français.

M^me^ Maureen Doyle: Je peux parler français, oui, mais je n'ai pas vraiment l'occasion de le faire de façon quotidienne, alors, ce n'est plus parfait.

M^me^ France Gélinas: Ça va, ça va. Vous êtes la quatrième personne que l'on voit aujourd'hui pour le Tribunal des droits de la personne et la seule qui sait parler français. Est-ce que vous savez si le tribunal a un mandat d'offrir des services en français ?

M^me^ Maureen Doyle: Franchement, je sais très peu sur cette question-là. Je peux vous dire tout simplement que quand je travaillais comme avocate, j'ai donné des services légaux quelquefois, j'ai fait des interviews, des rendez-vous dirigés vers la médiation en français, etc., mais je n'ai jamais fait de « hearing » en français, par exemple.

M^me^ France Gélinas: Est-ce que vous avez déjà écrit vos rapports en français ?

M^me^ Maureen Doyle: Non, pas encore.

M^me^ France Gélinas: En ce moment vous avez déjà un emploi à temps plein.

M^me^ Maureen Doyle: Oui.

M^me^ France Gélinas: Puis ce sera un poste à temps partiel.

M^me^ Maureen Doyle: Non, excusez-moi. Mon poste maintenant est à temps partiel aussi.

M^me^ France Gélinas: Le poste que vous détenez est à temps partiel ?

M^me^ Maureen Doyle: Oui.

M^me^ France Gélinas: Puis celui-ci en serait un deuxième ?

M^me^ Maureen Doyle: Oui, c'est ça.

M^me^ France Gélinas: Et vous avez l'intention de combiner les deux, c'est ça ?

M^me^ Maureen Doyle: Oui, exactement.

M^me^ France Gélinas: Est-ce que vous savez les demandes de l'un et de l'autre pour savoir si c'est réaliste et vivable, etc.?

M^me^ Maureen Doyle: Je crois que ça va être réaliste, oui. Je vais donner au tribunal les dates où je suis disponible et ça va être à eux de décider, « Bon, on a un cas pour elle aujourd'hui », ou on n'en a pas. Comme ça, je vais accepter ce qu'ils vont me dire.

M^me^ France Gélinas: Lorsque vous avez appliqué, etc., on ne vous a pas demandé si vous étiez capable d'offrir des services en français ?

M^me^ Maureen Doyle: Je ne me rappelle pas. Je crois que c'est possible que c'était discuté. Je ne suis pas certaine. Ce que j'aurais dû dire, c'est que je parle français ; ce n'est pas parfait. Ça fait des années et des années ; franchement, c'était en 1988 que j'étais en Angers. Je n'ai pas de famille française pour parler français régulièrement. Alors, pour le faire, j'aurais besoin d'entretien.

M^me^ France Gélinas: C'était tout. Je vous souhaite bonne chance, Madame.

M^me^ Maureen Doyle: Merci beaucoup.

M^me^ France Gélinas: Ça me fait plaisir.

The Chair (Mrs. Julia Munro): Mrs. Sandals.

Mrs. Liz Sandals: Thank you, Ms. Doyle, for appearing before us this afternoon. You've got a very impressive record, and I'm sure that you'll make a great contribution to the tribunal. Having seen your record, the government will certainly be supporting your appointment.

I just wanted to comment, because we've had a number of potential appointees to the Human Rights Tribunal today, that I've been very impressed with the professional qualifications of all the potential appointees and I find the breadth of different experiences quite interesting. We've heard from people who have done management side or union side or who have tribunal experience or maybe have community advocacy experience. It seems to me, as we've listened to people, that there will be a tremendous diversity of legal experiences on the tribunal itself, so I think also congratulations are due to the people who have been looking at putting the tribunal together and getting a good mix of legal experience. Certainly, with your experience in workers' compensation, you will be adding to that, so thank you very much for appearing today.

The Chair (Mrs. Julia Munro): Thank you very much for coming. We appreciate the time you've taken.

Now, if I'm given to understand by what I suggested to you when we came back this afternoon, we are deferring the concurrences until tomorrow. So the committee stands adjourned.

Mrs. Liz Sandals: Just one thing: Will we be doing the concurrences at 9 or at the end of the day? When will the concurrences for today be?

The Chair (Mrs. Julia Munro): You know, I hadn't given that thought, yet.

Ms. Lisa MacLeod: I'm fine with the morning, if you want.

Mrs. Liz Sandals: I think it would just be helpful for people to know when you're going to call the concurrences.

The Chair (Mrs. Julia Munro): Certainly. All right, we'll do it first thing, then. So the committee stands adjourned until 9 o'clock tomorrow morning.

The committee adjourned at 1552.

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Tuesday 19 August 2008

Journal des débats (Hansard)

Mardi 19 août 2008

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Intended appointments

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 19 August 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 19 août 2008

The committee met at 0900 in room 151.

INTENDED APPOINTMENTS

The Chair (Mrs. Julia Munro): Good morning, everyone. The agencies committee is to proceed this morning. I have first on the agenda the issue of the concurrences from yesterday. We will begin, then, our agenda this morning with the issue of the concurrences.

Ms. Lisa MacLeod: I was wondering if it was possible, where we have blocks of intended appointees for different agencies, commissions and boards, for those to be dealt with together. In other words, could we have, in the case of the Human Rights Tribunal, just one vote?

The Chair (Mrs. Julia Munro): Certainly that's a possibility. I would just ask, are there any comments?

Mrs. Maria Van Bommel: We have no objection to that. I'm not quite sure what the purpose might be.

Ms. Lisa MacLeod: I think it only impacts two, which would be the species at risk and the Human Rights Tribunal. The others are individual appointees.

The Chair (Mrs. Julia Munro): Any other comments or concerns? I'm quite willing to go with that, if everyone is comfortable.

Mr. Michael A. Brown: I'm a little confused. This committee is about concurring in the appointments of individuals to boards, commissions and agencies of the province of Ontario. It's about the individual, not about the board.

I don't have an objection. I'm just trying to understand why we would lump one board or one group—

Ms. Lisa MacLeod: Unless the government—in all honesty, the official opposition is quite comfortable in its votes today; we've discussed them. So if there's a split vote in the Liberal caucus, from the government caucus, then I could understand why we may want to do this individually. But we certainly know where we're standing on the official opposition side.

Mr. Michael A. Brown: Okay. So we're going to vote individually on the other ones?

Ms. Lisa MacLeod: Well, the other ones are only individual appointments.

The Chair (Mrs. Julia Munro): There are two where you could put them together, in terms of the individual agency or commission. The others are individual appointees.

Ms. Gélinas, we're in the middle of a discussion about the issue of concurrences. The suggestion has been put forward that the vote be divided according to the agency, as opposed to individuals. That would mean that there wasn't any division within the individual appointments to an individual board. That's the conversation. I just need your—

M^me^ France Gélinas: I'm comfortable with this.

The Chair (Mrs. Julia Munro): Okay, that's fine. That's what we shall do.

The first concurrence, then, will be for four people. I'm looking for someone who wishes to move concurrence.

Mrs. Maria Van Bommel: I will move concurrence of the following to the Human Rights Tribunal of Ontario: Andrew Diamond, Jayashree Sengupta, Alan Whyte and Maureen Doyle.

The Chair (Mrs. Julia Munro): Concurrence has been moved in the appointments by Mrs. Van Bommel.

Ms. Lisa MacLeod: Recorded vote, Madam Chair.

Ayes

Brown, Gélinas, Lalonde, Moridi, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Now I am looking at the members for the status of species at risk.

Mrs. Maria Van Bommel: I would move the following concurrence for the Committee on the Status of Species at Risk in Ontario: Ronald Brooks, Stephen Marshall and Melville Brockett Fenton.

Ms. Lisa MacLeod: Recorded vote, Madam Chair.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion? If not, all in favour?

Ayes

Brown, Gélinas, Lalonde, Moridi, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Now we will consider individuals, and I'd like to begin with Mark Sakamoto, the intended appointee to the Ontario Media Development Corp.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Mark Sakamoto.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any further discussion? If not, all in favour?

Ayes

Brown, Gélinas, Lalonde, Moridi, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

I'm now looking at Janice D.A. Beazley.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Janice D. A. Beazley.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any other discussion? Seeing none, all in favour?

Ayes

Brown, Gélinas, Lalonde, Moridi, Sandals, Van Bommel.

Nays

MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

The next appointment: Lloyd Komori.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Lloyd Komori.

Mr. Michael A. Brown: Recorded vote.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any further discussion? If not, all in favour?

Ayes

Brown, Gélinas, Hillier, Lalonde, MacLeod, Moridi, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

The next one would be Joanne Jackson.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Joanne Jackson.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mr. Michael A. Brown: Recorded vote.

Ayes

Brown, Gélinas, Hillier, Lalonde, MacLeod, Moridi, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

I believe that's it.

0910

AILSA WIGGINS

Review of intended appointment, selected by official opposition party: Ailsa Wiggins, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): We will move to the next part of our agenda. We will begin with the interview with Ailsa Wiggins. Good morning, Ms. Wiggins, and thank you very much for coming here today. As you may know, you have an opportunity to provide any comments you wish, and then we will move in rotation to the members of the committee to ask any questions. If you're ready, please begin.

Ms. Ailsa Wiggins: Good morning, Madam Chair and members of the committee. Thank you for giving me this opportunity to speak to you about my background and my interest in this appointment.

I grew up in Ottawa and enrolled in the B.A. honours program at Carleton University. I was accepted to law school after second year, and as I had taken extra courses, I was able to complete my B.A. that summer, with distinction, with a double major in law and political science. At the University of Ottawa, I participated in student legal aid and was a student editor of the Ottawa Law Review. My intention at that stage in my education was to continue to study law and become a law professor. However, having done well at law school, I was invited to Toronto to interview with some downtown firms, and I ended up accepting an articling position in Toronto with Campbell, Godfrey and Lewtas.

After being called to the bar, I moved to England to study law in furtherance of my original goal of becoming a law professor. I completed my LL.M. at the London School of Economics and Political Science, including a course in individual employment law.

I returned to Toronto and decided after all to look for a position practising law rather than teaching. During my job search, I wrote two titles for the Canadian Encyclopedic Digest, securities and trusts, long ago replaced by updated versions by other authors. I worked briefly for the federal-provincial inquiry commission into safety in

mines and mining plants in Ontario before joining the law department of Imperial Oil.

There were about 18 lawyers in Imperial's Ontario law department at that time, and we operated much like a small law firm. For my last 15 years at Imperial, my client was their human resources department and my practice was almost exclusively employment law, including human rights, advising the company on its obligations under human rights legislation such as the duty to accommodate in employment, preparing responses to human rights complaints in conjunction with outside counsel, attending a variety of human rights hearings as an instructing solicitor.

I am married and I have two sons, and for a few years while my sons were young, I worked part time, four days a week, which allowed me both to spend more time with them and to get involved in their daycare and their schools. I joined the board of Allenby Day Care centre and spent a year as its president. The following year I was president of the Allenby Parents' Association. I continued to be a parent volunteer at my sons' schools, Montcrest School, Royal St. George's College and Upper Canada College. One year I managed my older son's rep soccer team.

When Imperial moved its head office from Toronto to Calgary in the summer of 2005, I elected to take an early retirement package for family reasons. Immediately after leaving Imperial, I joined Gowling Lafleur Henderson as a special counsel in the employment and labour group. My practice at Gowlings has been much the same as my employment practice with Imperial, except that I deal with a variety of clients, primarily companies but also occasionally individuals. While at Gowlings, I have written numerous articles on alcohol and drug policies: three for the Ontario Bar Association labour and employment section's newsletter, and a book on alcohol and drug policies with Norm Keith, a partner at Gowlings, published by Butterworths LexisNexis.

I'm on the executive of the Ontario Bar Association labour and employment section. Last year, as continuing legal education coordinator, I co-chaired the 2008 Ontario Bar Association annual institute labour and employment program and I presented a paper on pre-employment screening. This year I am their program coordinator.

I've given many talks on human rights issues, including accommodation in employment, and I assisted the Canadian Psychiatric Research Foundation with their publication When Something's Wrong: Strategies for the Workplace. With a colleague, I prepared and presented a presentation to clients on the changes to the human rights regime in Ontario.

I believe strongly in fairness, reasonableness and respectfulness. Part of my practice has involved wrongful dismissal claims and human rights complaints. I strive for a settlement; I look for a solution, a resolution which both sides can accept. I'm confident that my academic background and experience, both in-house and in private practice, will assist me in the role of a member of the Human Rights Tribunal of Ontario. I'm happy to answer any questions you may have.

The Chair (Mrs. Julia Munro): Thank you very much. This morning, we'll begin with the third party.

M^me^ France Gélinas: Good morning. Welcome to Queen's Park.

Ms. Ailsa Wiggins: Thank you.

M^me^ France Gélinas: Right now, you're looking for a part-time appointment with the tribunal. Will that mean that you will also be keeping your full-time employment with your relatively new employer?

Ms. Ailsa Wiggins: Actually, at the moment, that's not settled. I've been with Gowlings on a series of contracts, and I haven't come to a resolution with them. So, at this point, I can't tell you whether I will just be doing this or whether I will be working with Gowlings or elsewhere at the same time.

M^me^ France Gélinas: What has motivated you to apply for this tribunal position?

Ms. Ailsa Wiggins: I'm very interested in human rights law. When the change to the regime was announced, I realized that there would be a need for additional people in the tribunal. I thought that would be an extremely interesting thing to do. As I was at a stage in my career that I was looking around for what I was going to do, that looked to me as something that I would really enjoy and thought that I would be good at.

M^me^ France Gélinas: You've done mainly advocacy for one side. Do you have experience doing adjudicator work?

Ms. Ailsa Wiggins: No. My only adjudicator experience is law school moots when you act as a judge. I understand that the tribunal will be putting on a training course, so we will be trained in adjudication.

M^me^ France Gélinas: Okay. I was interested when you said that when you worked in wrongful dismissal etc., you looked for settlements that both sides could accept. Have you used alternative dispute resolution? Can you give us an example, without breaking any secrets or anything?

Ms. Ailsa Wiggins: I've done both formal mediations—you know, when clients decide that mediation is the route to go; plus, in trying to get a resolution, litigation isn't good for either side. Even if we're not going to a formal mediation, I have used the back-and-forth negotiation, much like the type of diplomacy, room-to-room kind of thing, in order to get things settled. As I said, litigation isn't good for either party; it takes a long time; it's expensive; it's emotionally trying.

M^me^ France Gélinas: Those are my questions, thank you. Oh, maybe one last one. You have been representing the employer through your entire career. What's your level of comfort now that you won't be in that position anymore? You've never been representing the employees before. How does that work?

Ms. Ailsa Wiggins: I think, particularly when I was in-house, there is a certain empathy with the employees, because you're one of them. So while I was representing the employer, I certainly had empathy for employees.

Then, in private practice, although primarily I've been representing employers, I have represented some individuals. So I have had some experience representing individuals.

M^me^ France Gélinas: And you're comfortable with this?

Ms. Ailsa Wiggins: Yes.

M^me^ France Gélinas: Thank you. Those are my questions.

The Chair (Mrs. Julia Munro): We'll move on. Mrs. Van Bommel?

Mrs. Maria Van Bommel: Thank you, Ms. Wiggins, for coming in and being here with us this morning. Certainly, just from your comments about mediation and your approach to conflict resolution, I think you're quite well qualified. Thank you very much for coming.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: I'll be splitting my time with my colleague from the official opposition. Welcome today.

In terms of researching for your dissertation today, I came across an article that you'd written for Labour Relations, volume 9, number 2, Alberta Court Considers Pre-Employment Drug Testing and Whether Casual Drug Users are Protected by Human Rights Legislation. I just want to jump to your conclusion. As it pertains to bona fide occupational requirement—there's no tea in here, so I'm looking for my tea, for the people downstairs. That's why I'm not getting everything out right.

0920

You say, "But employers take heart, the answer to the second question: Can pre-employment drug testing ever amount to a BFOR?"—which is what I just wrote in—

Ms. Ailsa Wiggins: Bona fide occupational requirement.

Ms. Lisa MacLeod: —bona fide occupational requirement—"is also 'yes.' In the appropriate circumstances, as long as the employer properly drafts and administers its alcohol and drug policy, pre-employment drug testing of safety-sensitive employees should be supportable as a BFOR. As ever, the issue for employers will be accommodation."

I read that with interest and a couple of weeks ago, in preparing for this, I came across one issue that the Human Rights Tribunal recently confronted, which was denying a Christian ministry the right to be Christian, according to lifesite.net. I also came across Deborah Gyapong, who is a former CBC journalist, and in her blog she writes, "The court upheld the right of the college to have a behaviour code. That gets overlooked." She goes on to say, "But the Ontario Human Rights Tribunal is now insisting that a Christian organization does not have the right to make sure that chaste, practising Christians are involved in an important, often thankless ministry to the most vulnerable people in our midst."

In this particular case—I'm not sure if you are aware of it—in this instance, would there be a BFOR? If one employer has the right to drug test, doesn't the other have a right to ensure those serving in their job—if I want to have an employee who is drug-free and I'm able to give them a drug test, shouldn't the fellow next to me, if he wants to run a Christian organization, make it available to practising Christians?

Ms. Ailsa Wiggins: These cases are very fact-dependent. You have to apply the human rights legislation and case law in order to determine whether it's a BFOR, and the Supreme Court has set down rules in determining that, so it would have to go through that to determine whether it was a BFOR. I'm not sure that this morning I have enough facts to really give you an answer to that.

Ms. Lisa MacLeod: Okay. This is something that has just recently occurred. I would encourage you—chances are you will have the votes to succeed and get past the post here, but you may be confronted with other issues like this.

I have only one more question for you. Human rights commissions and tribunals traditionally have been used, rightly so, for those who have been discriminated against, and most often those folks are minority groups who felt discriminated against or who are discriminated against. But I'd like to know if you believe it's possible for non-minority groups to be discriminated against and if you could give me an example of that.

Ms. Ailsa Wiggins: For non-minority groups? Well, I guess you could say women are a non-minority group and they get discriminated against. I guess it also depends on what your definition of "minority" is. I mean, there are some groups within our society that aren't generally referred to as minorities but who may be discriminated against.

Ms. Lisa MacLeod: Okay. Thank you. My colleague—and if someone's listening, bring up the tea.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Good morning, and thank you for being here. You mentioned "duty to accommodate," and that's an important phrase these days. I'm just wondering, in your own mind, if you can explain to us how far is the duty to accommodate reasonable. If the accommodation for one individual will cause significant hardship on the business, maybe even put it out of business, is that still reasonable to accommodate?

Ms. Ailsa Wiggins: That's always been very difficult for employers. One of the things that I always tell my employer clients is that there is no absolute legal definition of the point of undue hardship, because you have to accommodate, but up to the point of undue hardship. It's, again, a case of looking at the facts in the particular case. There is a recent Supreme Court of Canada case in which the court seemed to modify a little bit the word "impossibility" that they had used in an earlier case. So it's a very hard test for employers to meet, but there is a limit.

Mr. Randy Hillier: Well, certainly the impossible would be difficult to meet. So here, then, in a case where—the duty to accommodate if you're Imperial Oil, for example, will be significantly greater than if you're Joe's Deli.

Ms. Ailsa Wiggins: Yes, exactly.

Mr. Randy Hillier: Do you think that is a reasonable case?

Ms. Ailsa Wiggins: I think it is reasonable because the small company is going to reach that point of undue hardship much more quickly because they just don't have the resources that a large company does.

Mr. Randy Hillier: Sure. So a level of discrimination would be acceptable, then.

Ms. Ailsa Wiggins: Not so much a level of discrimination, but how far you have to go to accommodate. So you're not supposed to be discriminating, but somebody has something that you need to accommodate, and a small employer simply doesn't have to go as far.

Mr. Randy Hillier: So if the cost to comply would be unreasonable, then it would be acceptable to say, "You can't work here."

Ms. Ailsa Wiggins: That may be the case, yes.

Mr. Randy Hillier: If I have a little bit of time, recently there's been a case in Westport with Asian anglers that the commissioner has made reference to. I'm just wondering if you have some comment on that particular case, if you're aware of it.

Ms. Ailsa Wiggins: I've heard a little bit about it in the press, but I don' t really have any details of it.

Mr. Randy Hillier: That was a case where individuals were poaching valuable game fish out of season and people in the community took action because the government people, the MNR, were not. There were some allegations of violence; I'm not sure to what degree. Anyway, people wanted to protect that valuable resource; it's in a community close to me where tourism and resorts are very important. The commissioner ruled that this was a hate or race-based action instead of just protection of the local economy and upholding the law. I'll let you make a comment on that.

Ms. Ailsa Wiggins: Again, I think it would depend on the facts. If there were no racial slurs when the people tried to stop the poachers, then maybe there wasn't discrimination. But what happened to cause the decision that there in fact had been discrimination?

Mr. Randy Hillier: I know some of the people involved in this case, and there probably were some angry words and probably some slurs. Emotions get people to say some things that they otherwise might not. Knowing the community and knowing the people involved, I found it abhorrent that the human rights people would suggest that that was racism when people want to protect their community and their economy.

I think I'm running out of time here.

The Chair (Mrs. Julia Munro): You're getting close.

Mr. Randy Hillier: Okay. I'll leave the rest for the next one.

The Chair (Mrs. Julia Munro): Thank you very much for coming.

ROBERT GREGOR

Review of intended appointment, selected by third party: Robert Gregor, intended appointee as vice-chair, North West Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our next interview is with Robert J. Gregor, the intended appointee as vice-chair, North West Local Health Integration Network. Thank you very much for coming here this morning for us. As you might have already heard, you have some time in which to make a statement and then we'll have questions from the members.

Mr. Robert Gregor: Thank you for the opportunity to appear before you today in regard to my pending appointment to the position of vice-chair of the North West LHIN.

I am a lifelong resident of northern Ontario, born in Sudbury, raised in Thunder Bay, and since 1972 I have been a resident of the beautiful community of Marathon. I am a graduate of Lakehead University and did post-graduate work at the University of Manitoba.

In addition to my university studies, I have formal education and training in accounting, conflict resolution, mediation, labour relations negotiations and human resources management. I retired from Marathon Pulp Inc. in 2004 after 32 years of service, the last 13 as president and resident manager. Since retiring, I have operated a small consulting business specializing in human resources, forest products and labour relations negotiations. I am married with three grown children, the youngest of whom has just completed her master's degree and will be entering law school in September.

Since graduating from university and entering the working world, I have devoted a significant amount of my personal time to community, regional and provincial service. In the health-related area, I have served on the master planning committee for Marathon emergency services and the Wilson Memorial General Hospital capital review planning committee and was a member of the Marathon physician recruitment and retention coalition. I also served as chairman of the Marathon community development commission.

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In addition, I have extensive experience serving on boards of directors, having served on the boards of the Northern Ontario Heritage Fund Corp., the Ontario Forest Products Association, the Forest Products Association of Canada, Ormiston Mining, Dubreuil Forest Products, the Ontario Pulp and Paper Health and Safety Association, Marathon Pulp Inc. and the North of Superior Training Board.

I was originally appointed to the North West LHIN as a board member for a two-year term in May 2006 after answering an ad in the local newspaper. I went through an extensive interview process and had my name submitted as a result of that process to the office of the Minister of Health and Long-Term Care. I was recently reappointed to the board for a further three-year term. During my tenure on the North West board, I have served and continued to serve as chairman of the audit and finance committee.

My initial interest in serving on the board of the North West LHIN, an interest that is just as relevant today, was in playing some small part in making the health care

system in our province more accessible, more sustainable and more accountable. I believe that the principles that underline the LHINs will make this happen by integrating health care at a local level and consolidating planning, systems integration, service coordination, funding allocation and evaluation of performance through the accountability agreements. I believe and support the objectives of the LHINs as critical to the sustainability of our health care system: to manage health system planning, coordination and funding at the local level; to engage the community in local health system planning and setting of priorities, including formal channels of citizen input and community consultation; to improve the accessibility of health services to all people to move more easily through the health system by the greater integration of services; and to bring economic efficiencies to delivery of health services, promote service innovation and improve quality of care.

I further believe that as a lifelong resident of northern Ontario, supported by my background and experience on other boards of directors, my business background, my experience being in a union and dealing with unions, my education, my community service in the north, my passion for working collaboratively and co-operatively in the spirit of innovation and finding a better way, and my specific experience to date on the North West LHIN board will continue to contribute to my maximum on that particular board.

I'm pleased to answer any questions.

The Chair (Mrs. Julia Munro): Thank you very much. We move to Mr. Brown.

Mr. Michael A. Brown: Thank you, Mr. Gregor. It's good to see you. Thanks for making that considerable journey down here from the great northwest. I am the only member here who actually has communities in the North West LHIN. As you know, I represent Manitouwadge and Pic Mobert—a little bit of it.

We're very pleased to have you. Your community service is well known; your business experience is also well known in the northwest. We are most delighted to have you here as an intended appointee. Congratulations. We will be supporting you.

Mr. Robert Gregor: Thank you very much for those comments.

The Chair (Mrs. Julia Munro): Ms. MacLeod?

Ms. Lisa MacLeod: Thank you very much, Mr. Gregor. I hope you enjoyed your trip down here. I'm just wondering: You are now being reappointed?

Mr. Robert Gregor: They're considering me to be the vice-chair. I was recently reappointed for a three-year term as an ordinary board member.

Ms. Lisa MacLeod: Could you walk us through some of the challenges you faced through reorganization from the previous system to the LHIN system in your community?

Mr. Robert Gregor: The major challenge—and it was a significant challenge, bearing in mind that the LHINs are only three-plus years in existence—was coming up with a structure, a staffing, making sure that we had the most competent possible people in our staff with the necessary background and experience. When I talk about necessary background and experience, it was important that, as we worked through the accountability agreements, which I think are critical to the success of the LHINs, we had people in the staff who are able to communicate on the same knowledge level with the health service providers whom they have to deal with. I'm pleased to say that the staff that we have at the North West LHIN—and I've had the opportunity to sit in at three other LHIN offices with three other boards—is just exceptional. That was critical—that you had the human resource capability to follow up. It's a tremendous challenge.

It's particularly challenging in northwestern Ontario, for those of you who are familiar with our area. That's the second-biggest challenge we have: the geography. We represent 47% of the land mass of Ontario, yet we only have 2% of the population. We have 458,000 square kilometres of land mass and a bunch of small communities, many of which are remote and isolated, that we have to deal with, so travel is a major, major impediment to us providing the best possible service.

So, getting the structure in place, the geography, and the fact that we have probably the least healthy people in all of Ontario in northwestern Ontario—we have the highest incidences of diabetes, heart failure, asthma and rheumatoid arthritis, and the life expectancy, both male and female, in northwestern Ontario is the worst in the entire province. So we have a real challenge in chronic disease management and prevention.

Ms. Lisa MacLeod: That was very fascinating, actually. Thank you very much for that. Now I just want to follow up: How many hospitals do you have?

Mr. Robert Gregor: We have 14 hospitals.

Ms. Lisa MacLeod: And how are your relations with your hospital CEOs?

Mr. Robert Gregor: I think they're excellent. I think that's again a reflection of northwestern Ontario, where you have many communities where the CEO of the hospital is also a member of the curling club, a member of the golf club, of the service clubs and fundraising clubs. We have a really close liaison with the CEOs.

Ms. Lisa MacLeod: So none of them would complain that they're not getting their funding envelopes on time?

Mr. Robert Gregor: I hope not. We pride ourselves—the staff pride themselves—again, I say "we." It's the staff. We have a monitoring function; the staff are the operating people. They do a super job.

Ms. Lisa MacLeod: I just want to talk briefly about chronic health care management. You mentioned that as probably being one of your biggest health care challenges. The other two issues were basically the remoteness and the structural issues, but the health care issue is the one that's probably paramount in all of it, and that's making sure that people receive the care they need when they need it. Can you tell me a little bit more about the challenges that you face and some of the things, when

you have an opportunity with all of these legislators, that you wish could be located in your LHIN?

Mr. Robert Gregor: I think the challenge can be met by innovative and creative thinking. Part of the problem in chronic disease prevention and management is an education problem; it's an accessibility problem with our remote communities. It's particularly difficult with the First Nations, who in many cases do not have the human resources at their location to deal with the prevention aspect or to deal with the education aspect after they have the disease and to deal with the aftercare. Education, the increased use of telemedicine—we're going to move into telehome medicine, developing CDs so that we can even go to a remote First Nations community that has no health professionals, identify somebody in the community who has the education, and then can follow up.

Another statistic that is just mind-boggling is that a First Nations person has a 3,500% increased chance of having a limb amputated because of a lack of aftercare from diabetes. We've got to do something about it.

Ms. Lisa MacLeod: How are you, in your LHIN, working with the Ministry of Health to address that? That's actually very fascinating for us to hear, and probably to some of our viewers from the rest of Ontario. This is a critical problem. How do we meet that challenge?

Mr. Robert Gregor: We have a chronic disease management and prevention committee. We have advisory committees. We have forums in the communities and we try to move around. We even try to move our board meetings around northwestern Ontario. Education and prevention: This is a wish I have, that eventually public health comes under the umbrella of LHINs so that we can work from the prevention aspect, the education aspect and the aftercare aspect. I think that's something that we will be discussing with the Ministry of Health and Long-Term Care from a board perspective. We could do an even better job if we had public health under our bailiwick, because then we'd have the coordination, the collaboration, and could go in the front end, the prevention end, rather than the back end, dealing with them.

Ms. Lisa MacLeod: Wouldn't that be great?

Mr. Robert Gregor: It would be fantastic.

Ms. Lisa MacLeod: That's very interesting. I just have one quick question; I'm hoping I have time. One of my interests is children's rights, but more than that, pediatric—making sure that children are receiving adequate care when they need it. Certainly where I live—and I live in the national capital—the wait lists are quite long. I'm interested to learn a little bit more about your area and how the children in your community are being served, particularly those on native reserves. It would be very fascinating from your perspective how we can address some of the paediatric challenges that we're facing.

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Mr. Robert Gregor: It's an area that's close to my heart. My sister is a pediatric nurse at Thunder Bay Regional Health Sciences Centre and has been for 30 years. I get a chance to get some inside information from her.

Let me say first, from the human resource aspect, that in my dealings in the northwest, we have nothing but the best primary care health service providers—and that's not just because my sister is a nurse; it's everywhere I go. If we have any problem with the health care system in the province of Ontario, it's not with the people; it's with the system, because we have some of the best possible people. I know I'm pontificating here in responding to your question, but children's services is a priority with the North West LHIN. When we work with the hospitals on their accountability agreements in terms of wait times, getting the proper service etc., those are performance indicators and targets that we really stress. It is a priority.

Ms. Lisa MacLeod: Thank you very much, Mr. Gregor. I appreciated it. You were very fascinating.

The Vice-Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: Good morning. I, too, appreciate the long trip you made to come to visit with us this morning.

Mr. Robert Gregor: It's my pleasure.

M^me^ France Gélinas: I was interested in your opening comments when you were talking about your beliefs, going from accessibility to sustainability, accountability, economic efficiencies etc. It certainly shows good governance. One that was missing from the list, though—and I would certainly like your comments on that—is that medicare is a publicly funded service that is available based on needs, not on ability to pay. You went on and on about your beliefs, but you certainly did not touch on that one, and I was curious to see how come.

Mr. Robert Gregor: Well, partly because it's so fundamental to my beliefs, I take it as a given. I believe in the public system. I believe in universal accessibility. I believe that 100% of our efforts should be to improve our public system and deflect from any discussion on moving into the private sector. I believe that we have tremendous potential, in terms of our publicly funded health care system, to make it better, to make sure that the right treatment is done by the right person in the right time in the most efficient, economic way to ensure that it's patient-centred, to ensure that everybody has equal access. The reason that I don't have it: It's fundamental in me. It's not an add-on.

M^me^ France Gélinas: I know that Thunder Bay Regional Health Sciences Centre, last I heard, hadn't signed their accountability agreement, based on budget difficulties. Here again, I heard you loud and clear, but I know that some hospitals are looking at divesting physiotherapy services. Basically, they would continue to offer in-patient services but not offer outpatient services anymore, which can be picked up in the communities. In a community like Thunder Bay, you do have a private physiotherapy practice. If it came to this, could you tell me how you would handle that?

Mr. Robert Gregor: Okay, I've got some strong thoughts in that regard too. First off, I think that dropping services is a non-starter, that you move away from

discussions on dropping services, that if you work co-operatively and collaboratively with the hospitals, there are many areas—I come from an industry where we had to fight for our sustainability and continue to fight for our sustainability. If we had listened to people saying that, for instance, the market pulp mill in Marathon would never survive because of their economies, that you'd have to cut people, shut the hospital down and cut services, we would have been history. I don't accept that. I accept that if we work together, we can find efficiencies, we can find opportunities to eliminate waste, reduce redundancy, eliminate duplication—in some cases, triplication—and provide all of the services that we still provide, but in a better way. I do not accept that we have to cut services.

In regards to Thunder Bay Regional Health Sciences Centre, they have a specific issue that has significant budget implications that have to do with a prior deal with the Ministry of Health and Long-Term Care. That's their major impediment in getting to a balanced budget. They will continue to work through that, and we'll continue to support them through that, but we have accountability agreements with 12 of our 14 hospitals. The two that we don't I just referenced: One is Thunder Bay Regional Health Sciences Centre; the other is Kenora. We're working closely with them and we're optimistic that we can get balanced budgets from both of those, taking the positive, innovative, creative approach, and not talking about cutting services.

M^me^ France Gélinas: There are a number of services that are financed by the LHINs. There are also some that continue to be financed by the province. You shared your views about how you wished public health would also be under the LHINs. What is your view towards primary care? I know that you have community health centres under the LHIN, but I'm talking about fee-for-service physicians, family health teams, family health groups, northern health groups etc.

Mr. Robert Gregor: I think that would be my second phase, if we can get public health in. In the meantime, what we're doing is liaising very closely with the family health teams and the physicians. In fact, just a couple of months ago, we met with the physicians in Thunder Bay to ensure that we were hearing all of their issues and concerns, that they were hearing all of our issues and concerns, and coming up with some collaborative and co-operative initiatives in terms of making the system as seamless and as patient-centred as possible.

Eventually, I would like to see all of that, but I think that's a long way off. Public health would be the first approach I'd take.

M^me^ France Gélinas: My last question has to do with First Nations. You certainly give some statistics as to the health level of the First Nations in the northwest, but I think they apply to First Nations pretty well everywhere in Ontario. I wanted to know, aside from your work at the LHIN, what kind of work have you been doing with First Nations to learn their culture, learn their way of life?

Mr. Robert Gregor: Thank you for that question. The North West LHIN is blessed on its board by—it's a competency-based board, but we also have two First Nations people as part of the board, Ennis Fiddler and Judy Morrison, who bring invaluable input to the board level. In fact, we've had two sessions with them on First Nations awareness, of the issues they face, for the staff and for the board. Secondly, we've hosted two, soon to be three, forums on bringing in all of the chiefs from the First Nations—the remote, isolated First Nations; the ones that aren't so remote and isolated—and hearing their issues, because public consultation is critical so that we get their real needs. We're in the needs-accumulation phase right now, and it's dealing directly with them.

Of course, you have the added thing that there's double jurisdiction with the federal and the provincial, but key to the LHINs is local input, and it's no clearer than in our relationships with First Nations.

M^me^ France Gélinas: Those are my questions.

The Chair (Mrs. Julia Munro): Thank you very much for being here today. We appreciate that.

Mr. Robert Gregor: Thank you for the opportunity.

ERIC WHIST

Review of intended appointment, selected by official opposition party: Eric Whist, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Our next interview will be with Eric Whist as the intended appointee, member and vice-chair of the Human Rights Tribunal of Ontario. Good morning, Mr. Whist. Welcome to the committee. As you will have observed, you have an opportunity to make a statement, and then we will entertain questions from the members. When you're ready, you may begin.

Mr. Eric Whist: Thank you, Madam Chair, members of the standing committee. I believe it is my nearly 30 years of professional experience that make me a qualified candidate for a position of vice-chair of the Human Rights Tribunal of Ontario. In particular I would like you to consider my experience with human rights issues, working with disadvantaged individuals in communities and with a variety of institutions, as well as my adjudicative responsibilities as a member of an administrative tribunal.

In brief, my very first job after completing my university degree was with the Ontario Human Rights Commission in 1979. I began as an intake officer before being hired on contract as a compliance officer, a job that involved the investigating and conciliating of formal complaints of discrimination. In 1981, I was hired on a permanent basis by the Human Rights Commission in its race relations division. I was employed by the race relations division and its successor, the Ontario Race Relations Directorate, for a period of 10 years.

I was initially employed as a race relations officer. One of my responsibilities was to design and deliver

workplace race relations and anti-discrimination programs. These one- and two-day training programs were often implemented as the results of formal human rights complaints and delivered in workplaces with significant tensions or resistance. I was also responsible for working in what were considered high-needs areas of Toronto, promoting the need to address race relations issues and facilitating contact between individuals, community groups and the institutions that serve them.

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I subsequently became a manager in the race relations divisions and was responsible for the division's work with institutions. This included the developing of a generic race relations policy for school boards in Ontario, an initiative that ultimately led to the Ministry of Education setting mandatory guidelines for school boards to adopt race relations policies.

Another initiative was a summer youth employment program, which matched 150 disadvantaged youth with local employers while providing life skills training for program participants.

After this, I became the regional manager for the race relations directorate, and was responsible for the directorate's work outside of metropolitan Toronto. I managed race relations consultants in Ottawa, Hamilton, Windsor, Thunder Bay, Sudbury and Kingston. One accomplishment of note was the organizing and chairing of a conference involving representatives from 16 municipal race relations committees from across the province.

I was next employed by the Ministry of Municipal Affairs and Housing as a manager in their tenant support services branch. I was with the ministry for seven years. My work focused on strategies to improve the quality of life in public housing communities across the province, in large measure by encouraging local housing authorities to be more responsive to tenant needs. There were 56 local housing authorities and approximately 84,000 public housing households. Some initiatives focused on services to seniors and persons with mental health issues, others on improving race relations and service quality and on involving tenants in decision-making.

A particular initiative called Planning Together involved establishing planning committees and structured tenant involvement in all 56 housing authorities. Over 1,000 tenants, housing staff and service providers were involved in this initiative.

After that, I worked briefly at the Ontario disability support program branch of the Ministry of Community and Social Services before beginning my career as a member of the immigration and refugee board.

I have spent the last 10 years at the board as an adjudicator in the immigration appeal division. My work has consisted primarily in determining appeals of persons wanting to sponsor family members to Canada or persons who have been ordered deported from Canada. In this capacity I've presided over an average of six hearings a week and have rendered hundreds of written and oral decisions within expected timeframes. These decisions require an understanding of the guiding legislation, namely the Immigration and Refugee Protection Act and the evolving case law as well an ability to consider and weigh extensive evidence.

It is also appropriate to note that the appeal process at the immigration appeal division is adversarial in nature, which requires a presiding member to use a broad range of skills in order to successfully manage the hearing process and to promote fairness and efficiency. Many of these appeals, it should be further noted, involved unrepresented appellants, which requires additional sensitivity and care.

The immigration appeal division also has an alternative dispute resolution process to resolve appeals without requiring a full hearing. I've participated in this program on numerous occasions as a mediator. I would also note here that I have also participated in a number of mediation training programs over the years.

Finally, over the last year I've been acting as the assistant deputy chair for the immigration appeal division's central region. In this capacity I currently manage 15 members in a high-pressure environment, with a significant regional caseload of over 6,000 appeals. Last year we completed over 4,000 appeals. The volume of cases before the immigration appeal division has required a willingness to continuously alter or adjust case management practices.

In summary, I believe my cumulative experiences and skills make me qualified to be a member of the Human Rights Tribunal. I've worked with individuals, communities and institutions to address discriminatory and other barriers. I have adjudicated hearings of persons in an adversarial process. I believe I have the sensitivity and judgment to consider and decide applications under the Human Rights Code.

I'm honoured to be considered for an appointment to the Human Rights Tribunal of Ontario and to be given an opportunity to participate in a tribunal that has an important role to play in the province. I believe I can make a contribution, given my adjudicative skills and my commitment to public service and human rights. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with questions from the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: I'll be splitting my time with my colleague in the official opposition.

Welcome. Thank you very much for coming. I want to focus on your work with the Ontario disabled community. The reason I want to draw from your experience there is because it's been criticized that, since now individuals can bring their complaints directly to the tribunal, the new system appears, on the surface, that only wealthy complainants will be able to bring forward human rights matters.

The Attorney General has indicated—and we have obviously appointed a chair to the new legal support centre to provide complainants with legal assistance. I want to know, will all complainants be guaranteed a lawyer? My supplementary will deal with why I've asked.

Mr. Eric Whist: I don't know. I can't speak authoritatively of what's going to happen at the Human Rights Legal Support Centre. I know that that's the intention, to help appellants or claimants. I don't know whether the practice will, in each and every case, be to provide someone for them to appear before the tribunal.

Ms. Lisa MacLeod: Does it concern you, as a former advocate and supporter of the Ontario disabled community, that the Accessibility for Ontarians with Disabilities Act Alliance says that this system weakens human rights by planning reforms to the Ontario Human Rights Commission that will eliminate its role, in leaving cases to the Human Rights Tribunal?

Gary Malkowski, a former MPP for the New Democrats, said in the Toronto Sun, "'It will force discrimination victims ... to investigate their own complaints.'... 'It is wrong of the McGuinty government to privatize human rights enforcement on the backs of those discriminated against.'...

"'There's a real sense we've been treated unfairly,' said David Lepofsky," former coalition chairman.

Are you concerned that there is privatization of the Human Rights Tribunal process, and are you concerned that this may be difficult for those who may be discriminated against and who have some type of disability?

Mr. Eric Whist: You've asked several questions there.

Ms. Lisa MacLeod: You can answer all of them.

Mr. Eric Whist: Yes, well, I actually don't have an opinion to offer about the relative merits of legislative change in Ontario. I don't think that's my role as a future adjudicator.

I would like to comment on the issue of accessibility to processes for persons with disabilities. I think it would be absolutely fundamental to the tribunal to make sure that its process is as accessible as possible to persons with disabilities who are coming forward with complaints of discrimination. I can extrapolate a little bit from my experience in the immigration appeal division, where, for example, if you're a person who doesn't necessarily understand the process or needs assistance in the process, we designate representatives to help appellants participate in the process. So I think the tribunal has a responsibility to do everything it can to make itself as accessible as possible.

You're raising the question of whether the members who are activists in the disability community would prefer the old system as opposed to the new system. That may be, but that's not my place to comment on.

Ms. Lisa MacLeod: Where it is your place to comment is to make sure that those with legitimate complaints are being dealt with—

Mr. Eric Whist: Categorically.

Ms. Lisa MacLeod: —and that there is fairness and perceived fairness on the part of the tribunal. If the tribunal is inaccessible to those who require the most assistance, I'm wondering how the tribunal will deal with that. I think it's a very relevant question, as a legislator asking a member, or a potential member, of this tribunal.

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Mr. Eric Whist: Right, and to which I would say I think it is categorically important that the tribunal be as accessible as possible, and I would presume it would make efforts in that regard and I'd be part of that. For example, again, I used to deal all the time, and do now, with persons with mental health issues appearing before our tribunal. Routinely, there are efforts made to accommodate them in that process, and I presume the tribunal would do that.

The point I don't feel so comfortable answering is the suggestion that some people would prefer the old process of the Human Rights Commission investigating complaints, as opposed to the new process, which now has everybody coming straight to the tribunal.

Ms. Lisa MacLeod: Just one very brief question, and then I'm going to cede the floor to my colleague. Chief Commissioner Hall has said she'd like to see the number of complaints filed in Ontario spike in number. Do you agree?

Mr. Eric Whist: You mean the complaints before the tribunal or just in general across—

Ms. Lisa MacLeod: Well, now it is to the tribunal.

Mr. Eric Whist: Yes. I presume, of course, the tribunal will get more complaints, because they're now not going forward to the commission; they're coming forward to the tribunal. That, presumably, is one of the reasons that the numbers are going up from a complement of 20-something to 44. So it will be important that they have systems in place to manage an increase. I presume it's coming.

Ms. Lisa MacLeod: Okay. Thank you.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: I've got a question. We've seen the Human Rights Commission and the tribunal expand their role from the original intention or expectation to address tangible discriminatory practices by individuals against others to a broader scope, and I'd like to get your opinion. Recently, there was a case with Maclean's and author Mark Steyn where the commission did rule that it was beyond its jurisdiction. However, it went on to say that while freedom of expression is a cornerstone of democracy, opinions such as in the Maclean's article are inconsistent with the values enshrined in our Human Rights Code. I'd like to get your comment and opinion on how far the Human Rights Tribunal should go.

Mr. Eric Whist: I'm not going to offer an opinion on that because I don't actually see it as appropriate to give an opinion on a broad public topic such as that. I'm going to have a role as an adjudicator and I'm going to have to consider the cases that come before me, and I intend to do that within the context of the Human Rights Code. You're raising a broad human rights issue in the public eye that doesn't fall specifically within the Human Rights Code and my responsibility, so I actually don't feel comfortable answering that question.

Mr. Randy Hillier: So did you say that the ruling on opinions such as that is beyond the scope of the tribunal?

Mr. Eric Whist: My responsibility will be to deal with cases that come before me and consider the

evidence, the Human Rights Code, and make a decision based on that. You're raising, as I said, I think a general human rights issue which has a high public profile, and I just don't think it's going to be constructive or helpful for me to give an opinion on that.

Mr. Randy Hillier: Well, being before this committee, we're here to review and analyze your appropriateness as an appointment. This is a broad subject. It's increasingly becoming more prevalent within the human rights actions, and it's important for members of this committee to know where your views are, because this was a complaint that was brought to the Human Rights—

Mr. Eric Whist: Commission.

Mr. Randy Hillier: —Commission. So the complaints will now be coming to the tribunal. We can probably expect others such as this, and it's important for us to know where your ideology or philosophy is about: Is it valid, is it appropriate, for the tribunal to rule on the validity or the merit of other people's opinions?

Mr. Eric Whist: I think there'll be lots of cases where you render a decision on opinions. If a person in a position of responsibility in employment renders an opinion which has a discriminatory effect on someone in employment, in accommodation, in services, absolutely.

Mr. Randy Hillier: I'm talking about opinions in the media.

Mr. Eric Whist: Absolutely. If that opinion is discriminatory in effect on someone in an area for which we're responsible, which includes services and employment and accommodation, absolutely, I would rule on that.

Mr. Randy Hillier: I agree with all those when there are opinions that are reflected in actions. That is the question, not discrimination in services or accommodation. Where there are opinions being expressed in the media, is that within the domain of the tribunal?

Mr. Eric Whist: I don't think so, sir.

Mr. Randy Hillier: One last question. You're presently deputy chair for immigration. Will you be maintaining that role?

Mr. Eric Whist: Not at all. My last day is September 5.

The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: Thanks for coming. You certainly seem very well qualified to take on the role of vice-chair. The tribunal, I'm guessing, will have to hear cases coming from Franco-Ontarians. Do you have any ability in the French language?

Mr. Eric Whist: I do not.

M^me^ France Gélinas: Of the six new appointees coming so far, none of them have said that they are in a position to do hearings in French. Do you feel it is appropriate to have hearings for Franco-Ontarians done through translators?

Mr. Eric Whist: No. I think it's reasonable to expect the tribunal to conduct hearings in French and I presume that that would be an interest of the tribunal.

M^me^ France Gélinas: You did mention that you were responsible for areas outside of Toronto. I think it was in your work with the Human Rights Commission. I was wondering, what is the extent of your knowledge of northern Ontario and its residents?

Mr. Eric Whist: I think it's all right. I did a lot of work in northwest Ontario wherein I would go out to deal with the public housing authority in Thunder Bay. I remember the Sioux Lookout municipal council. Kenora was always an issue because we were dealing with concerns between police and the local aboriginal community. That activity is a little dated, but I feel comfortable in recognizing the special nature of the north.

M^me^ France Gélinas: What motivated you to leave immigration to go toward the Human Rights Tribunal?

Mr. Eric Whist: First of all, it fits in with my general interest in public service and human rights. I feel I am returning to my roots in many ways. It's appropriate to note that my mandate at the Immigration and Refugee Board is coming to an end. I have a term there, so I'm looking for other opportunities, and this is a very good opportunity.

M^me^ France Gélinas: Those are my questions.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you for appearing before the standing committee today and also for considering the possibility of this challenging role as vice-chair.

Mr. Eric Whist: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much for being here this morning. We appreciate you coming.

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ALLAN HARRIS

Review of intended appointment, selected by official opposition party: Allan Harris, intended appointee as member, Committee on the Status of Species at Risk in Ontario.

The Chair (Mrs. Julia Munro): Our next interview will be with Allan Harris, the intended appointee as member, Committee on the Status of Species at Risk in Ontario.

Good morning, and welcome to the committee. As you may have observed, you have an opportunity in which you may make some comments, and then we'll entertain questions from the members. Whenever you're ready, you may begin.

Mr. Allan Harris: Great; thank you. It's an honour to be here. I'm a biologist. I live and work in Thunder Bay, Ontario; I've been there for the last 24 years. I grew up in Sarnia before I moved up to Thunder Bay. For the last 12 years I've been a self-employed ecological consultant.

I have a small business with a business partner called Northern Bioscience. We mainly do work for the provincial government, for Ontario Parks and MNR, doing life science inventory, rare species surveys and so on, and also for hydro development and wind power development, doing environmental assessment work for those groups. We also do forest auditing, wetland evaluations, fisheries assessment—quite a broad range of work. I'm

now completing a fairly major study on the effects of water-level regulation on wetland communities on the boundary waters in Rainy and Namakan lakes in northwestern Ontario. It's a collaborative project between the Ontario and US federal governments. Most of my work is in northern Ontario, but I also do work across the province, species-at-risk surveys from Lake of the Woods to the Ottawa area.

As for my education, I have a bachelor of science degree in wildlife biology from the University of Guelph and a master's degree in biology from Lakehead University, where I studied wetland ecology.

Before I started consulting, I worked with the Ministry of Natural Resources for about six years in Thunder Bay and Ignace, Ontario, where I was involved in woodland caribou habitant assessment and population surveys, some peregrine falcon restoration work and wetland classification and inventory work, leading to a wetland classification manual that was produced for northwestern Ontario just before I left MNR in 1996.

I'm a member of the Thunder Bay Field Naturalists in Thunder Bay, and I'm a director of the Thunder Cape Bird Observatory, a subcommittee of the Thunder Bay Field Naturalists.

Over my career, I've collected thousands of plant species and records and submitted them to various herbaria, submitted hundreds or thousands of records of birds to the Ontario breeding bird atlas, which has just been completed. I wrote one of the species accounts for that recently published atlas. I've also done work on mammals, reptiles and amphibians—right across the board, really.

Since starting consulting 12 years ago, I have been an author or co-author of six status reports for COSEWIC; that's the Committee on the Status of Endangered Wildlife in Canada, which is the federal counterpart of COSSARO. Those include four insect species and two plant species. I also wrote the COSSARO status report for woodland caribou in Ontario back in the late 1990s, which eventually led to "threatened" status for the forest-dwelling caribou in northern Ontario. I've also written recovery strategies for eight species for the federal and provincial governments, and I've completed species-at-risk surveys in over 50 parks and conservation reserves across northwestern Ontario and other areas.

As for what I can contribute to this committee, I feel I have a broad knowledge of the flora and fauna of Ontario, especially northern Ontario, but right across the province, really. I've been involved in the various stages of assessing a species right from field data collection through writing the status report and then writing recovery strategies. I'm really excited about the new role of COSSARO in the new Endangered Species Act, and I really hope I can make a significant contribution. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Gélinas.

M^me^ France Gélinas: You've mentioned that you work for yourself as a consultant with a partner, and lots of your contracts are with the government. Do you see a possibility for a conflict of interest with your new appointment to the committee?

Mr. Allan Harris: Certainly the possibility is there, but I intend to be completely upfront about it and work with the chair and whoever else is involved to identify any potential conflicts.

M^me^ France Gélinas: Okay. Is most of your work through government grants, or do you also—

Mr. Allan Harris: No. It changes from year to year. For the last couple of years, it's been largely through hydro developments, where we're working with an industry client who needs to prepare an environmental impact assessment to gain permission to put in a dam or a wind farm and that sort of thing.

M^me^ France Gélinas: Okay. Those are my questions. Thank you.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Mr. Harris, for coming before us today. You say that you came from the Sarnia area originally, so you would be very familiar with Pinery Park—

Mr. Allan Harris: Oh, yes; very much so.

Mrs. Maria Van Bommel: —which has wonderful and unique species in it. It's certainly a gem in my riding. Thank you very much.

The Chair (Mrs. Julia Munro): Mr. Hillier?

Mr. Randy Hillier: Thank you very much for being here today. I'll follow up a little bit on my colleague from the third party's question about how you are right now a partner in a consulting firm that does a significant amount of work with the MNR and various government agencies. Of course, when different species are identified on these lists as threatened, endangered, or whatever classification, a whole host of other actions follow through, such as assessments, recovery strategies and what not. Do you not see that there is certainly a possibility for a make-work project, I might say?

Mr. Allan Harris: I can understand how that potential would be there, but I intend to be completely upfront about any potential conflicts. To date, most of our work involving endangered species has been with the federal government, which is at arm's length from this committee. Yes, you're right; there are some potentials for conflicts there, but I intend to be completely upfront and honest about things.

Mr. Randy Hillier: Just some general views on the Endangered Species Act: I've looked at it significantly, and, of course, the committee will be identifying species to put on this list. Once a species is on the list, a whole host of consequences happen, like permits, fees and different things. They can become quite onerous on the person who has established a habitat for these species—quite costly and expensive in preventing their opportunities. It's quite a punitive approach for somebody who has done well, in my view, to create the habitat for species. Do you think there's a better way of approaching this other than the punitive approach?

Mr. Allan Harris: First of all, I hope that it will not be the role of this committee, of COSSARO, to establish what happens beyond the designation of a species as threatened, in danger or something else. It's certainly very important, but that's, I think, beyond the role of this committee.

Most of my involvement with land tenure and stewardship has been with the forest industry. They have been very vocal about the new Endangered Species Act and have raised some concerns. I think they may have blown it out of proportion somewhat. The forest industry has been complying with the Crown Forest Sustainability Act for many years, in which they are required to protect endangered and threatened species when they conduct forest management activities. I don't see that as changing very much. There may be an increase in their administrative burden if they are required to get permits before they can conduct forestry in woodland caribou habitat, for example. But I think it's time to get on with the new act and make it work.

Mr. Randy Hillier: We know that forestry has received some exemptions from the act. You did mention that there could be—"could" should be changed to "there will be"—further administrative burdens to comply with this, at a time, also, when the forestry industry is facing significant challenges on its own. Additional costs are not going to make it more competitive in our global economy. Where do you think the trade-off should be? Should we put people out of work? How far should we go to protect some of these species, in your view?

Mr. Allan Harris: Again, I think the burden on the forest industry has been overstated. There will be some additional administrative work for them, but they have been conducting forestry activities in woodland caribou habitat, for example, for many years now and have been complying with MNR guidelines on conserving woodland caribou habitat. So far, it seems to have been quite successful.

Mr. Randy Hillier: I would agree. So far, I think we've done a very good job in Ontario with our species over the years. We're not putting quite as many into the "extinct" category as once happened in the past. That's due, in large part, to the successful and knowledgeable practices of people who own properties. I have a number of concerns about the whole endangered species list, but the biggest one is this punitive approach. Instead of applying a reward system to people who have done a good job, we apply a penalty to them for doing a good job.

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Mr. Allan Harris: There is a reward system in the community tax incentive program. I can't remember exactly what the name is, but it offers tax breaks for landowners who are protecting endangered species on their land base. That may be a substantial compensation or it may be relatively insignificant, depending on the municipality and the nature of the property and so on.

Overall, I think we need to get on with conserving endangered species. There certainly will be some landowners who will suffer somewhat, but I think it's in the greater good of the people of Ontario to protect our endangered species.

Mr. Randy Hillier: In your view, it's okay if what can't be afforded by society should be borne by an individual landowner in some cases.

Mr. Allan Harris: In some cases, I think the landowner will have to take some of the brunt, yes.

Mr. Randy Hillier: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questions.

Mr. Allan Harris: Thank you.

BRIAN COOK

Review of intended appointment, selected by official opposition party: Brian Cook, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Our next interview is with Brian Cook, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario. Welcome, Mr. Cook. I know you just walked in the door. This is called "timing is everything."

Mr. Brian Cook: Just-in-time committee proceedings.

The Chair (Mrs. Julia Munro): That's right. Anyway, welcome to the committee. I would just want you to know that you have the opportunity to make remarks as you wish to the committee and then we will entertain questions from members. When you're ready, you may begin.

Mr. Brian Cook: Thank you. I did prepare an opening statement, and I was also asked in advance by the committee to address a couple of questions, and I'll do that as well.

Madam Chair, members of the committee, thank you very much for the opportunity to appear before you today, to give you some information about my background and qualifications for the position of vice-chair of the new Human Rights Tribunal of Ontario and to answer any questions you may have.

I've been an adjudicator for the past 23 years. I was privileged to be appointed to the Workers' Compensation Appeals Tribunal—it was then called WCAT—when it was first created in 1985. I was originally appointed as a member representative of workers and was appointed as a full-time vice-chair of the tribunal in 1991. The early years of the WCAT were particularly exciting and interesting, as I'm sure the new Human Rights Tribunal will be. As tribunals develop and mature, it's a very exciting time to be a member of a new tribunal. I was the chair of the tribunal's practice and procedure committee, which was responsible for developing the early policies at WCAT regarding the appeal process.

In 1997, I was appointed as a part-time vice-chair of the tribunal. Part time is perhaps a bit of a misnomer since, like most part-time vice-chairs at the tribunal, I

worked on a more or less full-time basis, but I was paid by per diem rather than by salary.

In 1998, the WCAT became the Workplace Safety and Insurance Appeals Tribunal, or WSIAT, and I continued to serve as a per diem vice-chair.

My years at WCAT/WSIAT coincided with the rise of the alternative dispute resolution, or ADR, movement in Ontario, and I developed an interest in ADR. I chaired the WCAT alternative hearing panel, which explored the use of ADR in the adjudicative, rights-based context.

After becoming a per diem vice-chair in 1997, I furthered my interest in ADR. I was appointed to the roster of mediators under the Attorney General's mandatory mediation program and acted as a mediator in a number of civil litigation cases.

I was accepted into the part-time LLM program in ADR offered by Osgoode Hall Law School, and I completed this program in 2005. So although I am not a lawyer, I do actually have a law degree.

I used the LLM program to think about and study the contrast between mediation and adjudication. My major research paper was about the use of ADR techniques in the adjudicative context.

I was attracted to the new Human Rights Tribunal in part because of the amendments to the code regarding the criteria to be used to assess candidates. I have to say I was very heartened by the fact that the legislation requires a merit-based, competitive selection process, and I think this is an important development in the evolution of the administrative justice system in Ontario. I was also very interested to see that the criteria included an aptitude for applying alternate adjudicative practices and procedures. I think that my experience as an adjudicator and my academic consideration of these matters may be of benefit to the new Human Rights Tribunal.

I was asked by the committee to speak to challenges that I anticipate for the new tribunal. The new Human Rights Tribunal will feature a direct access application process which is significantly different than the previous system where complaints were made to the commission and only a few went on to the tribunal. This presents significant design and delivery challenges. The tribunal systems must be flexible so that unrepresented parties can be fairly dealt with. In some cases, evidence will not be fully available or mature at the time that the application is considered by the tribunal. I imagine that a challenge will be how to obtain the necessary information without causing undue delay.

These same challenges were faced by the Workers' Compensation Appeals Tribunal that I have been a member of, and I believe that WSIAT is now recognized as a tribunal that over its years of operation has been able to meet those challenges without compromising its commitment to adjudicative excellence.

On the basis of the leadership of the new Human Rights Tribunal, I am very confident that it will equally meet the challenges that lie ahead and that, if appointed, I will be part of another pre-eminent piece of the administrative justice system in Ontario.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin with the government.

Mrs. Maria Van Bommel: Thank you very much, Mr. Cook, for your timely arrival here at the standing committee. Certainly, your experience in dispute resolution will stand the tribunal in good stead.

Mr. Brian Cook: Thank you.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Thank you, Madam Chair. I'll be splitting my time with my colleague.

I enjoyed your dissertation. It was nice to see that you're heartened that there is a merit-based administrative justice program going on here at the committee, because from this side we've already seen two appointees from the former Attorney General's riding come before us and we have a riding president of a current Liberal minister before us later today. So I'm not quite sure it's all just merit-based, but if that's the illusion, then that's great.

I'd like to know, are you planning to leave the WSIB tribunal?

Mr. Brian Cook: I assume if I'm appointed to a full-time position that that would be a consequence, yes.

Ms. Lisa MacLeod: Okay. Do you think that a respondent against whom false complaints are made is entitled to some or all of their legal costs when they are acquitted?

Mr. Brian Cook: I'm sorry. What was that?

Ms. Lisa MacLeod: Do you think that a respondent against whom a false complaint is made is entitled to some or all of the legal costs when they are acquitted?

Mr. Brian Cook: Well, that would be a matter governed by the code and, to be honest, I'm not sure what provisions there are in the code about awarding costs.

Ms. Lisa MacLeod: I'm mostly interested right now, as I am with all of the deputants today, whether or not—what's in the code is not really what I'm getting at. What I'm getting at is what are your personal philosophies on this? I think that's really important as we move forward in seeing what kind of shape this tribunal is going to take, particularly in light of the fact that we've got a new system before us and 22 new members joining the tribunal. So it's important for me and the official opposition to know what your opinion is and your view on that.

Mr. Brian Cook: Well, with respect, on the question of costs I feel that my job is to implement the provisions of the code, and if there are provisions for awarding costs then costs will be awarded, and if there is no provision then I wouldn't be able to make costs.

I would just say, though, I think this new tribunal has to be—it's not just obviously about complainants or applicants, it's also about those who are complained about. I have seen small employers, for example, who have been accused of violating the rights of workers, and if those complaints turn out to be wrongly based, it's just as important that the system be able to expeditiously clear that person and assure them that they didn't violate that person's rights as it is to be able to properly investi-

gate the complaints made by people who feel that their rights have been abused.

Ms. Lisa MacLeod: This is a real problem. I mean, when you're looking at somebody who has spent maybe three years of their life fighting against something they're acquitted on and they've spent thousands upon thousands of dollars through the tribunal process, I think it's a legitimate question to ask.

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I want to shift gears a little bit. Recently, in Burlington, there was a case regarding medical marijuana being smoked on the premises of a restaurant. When the owner wanted to remove that person because no smoking is allowed in the community—we're a smoke-free Ontario—the Human Rights Commission said that the case was not about marijuana but the duty to accommodate someone who has a disability. I'd like your opinion on that.

Mr. Brian Cook: My opinion on whether it's a disability issue?

Ms. Lisa MacLeod: If this case were before you, would you allow someone to smoke medicinal marijuana on the property of a restaurateur under the guise of the Smoke-Free Ontario Act? Would you permit that based on what the previous spokesperson for the Human Rights Commission said? Afroze Edwards said that "the case was not about marijuana but the 'duty to accommodate' someone who has a disability. She said the Ontario Human Rights code supersedes all other legislation, unless there is a specific exemption to exclude it written into a law." Do you agree?

Mr. Brian Cook: What I definitely agree with is that that case represents the sort of challenges that are faced by adjudicators on the Human Rights Tribunal, and it's very similar to the difficult cases that are faced in workers' compensation. As you know, there have actually been medical marijuana cases in the workers' compensation system as well. I have to confess that I do not have the expertise in human rights legislation and adjudication—I know that I will be given a very thorough training session—so I'm really not comfortable giving you an opinion on that, because I would want to study it as an adjudicator: What are the competing interests? What is the evidence? I understand that there's sort of a general principle, but the actual case would arise in the particular context of a particular person—

Ms. Lisa MacLeod: So will you be just adjudicating on labour rights or will you be adjudicating on all rights?

Mr. Brian Cook: I assume on all.

Ms. Lisa MacLeod: So the question then becomes, is the right of my child or the right of anyone else's child or the right of the asthmatic under the Smoke-Free Ontario Act—there are competing rights there. How do you balance that? That's why I wanted your opinion. It's really less about the specific example as it is about how you are going to balance rights. I think it goes to the question of, at some point, how do you choose which are rights? I asked this of an earlier deputant. You traditionally have been known as a commission to be used by certain groups in society which are discriminated against, and that's what your job is, but do you believe it's possible for non-minority groups to be discriminated against?

Mr. Brian Cook: Yes.

Ms. Lisa MacLeod: Okay. Thank you, and now to my colleague.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: It was interesting that, in order to fulfill the human rights role, you have to break some other law in Ontario.

In the tribunal, they do not post decisions or the disposition of cases. To me, that's very fundamental. We need to have that openness and full disclosure. In Canadian human rights, there's been one case where an individual has been the complainant in over 50% of all cases relating to hate messaging, a fellow named Richard Warman. He's obviously manipulating human rights at the federal level for his own zealous political agenda. Do you believe that there should be checks and balances within the tribunal to prevent it from being manipulated by zealots, and do you believe that full disclosure of the dispositions and decisions should be made available on the website?

Mr. Brian Cook: To answer the second question first, certainly the tribunal I've come from has believed all along that having decisions at the tribunal be publicly available is paramount to the system operating. I'm surprised to hear that they're not posted, because my understanding was that the commission stopped, perhaps, posting its decisions, but certainly there are some available.

Mr. Randy Hillier: They have stopped.

Mr. Brian Cook: Yes.

Mr. Randy Hillier: Yes, that's correct. They've stopped posting decisions.

Mr. Brian Cook: So I'm not sure what—

Mr. Randy Hillier: This is what I'm getting at: your opinion. Should they be available? I think the answer from what I've heard is yes, in your view.

Mr. Brian Cook: That is my view, yes.

Mr. Randy Hillier: It's pretty hard to conduct a just and democratic society in secrecy, in my view, although some are attempting to do it. Those are all my questions.

The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: Thanks for coming, Mr. Cook. My first question: You are the seventh person we've seen being appointed to the tribunal, and I was wondering, do you have any competency in the French language?

Mr. Brian Cook: No, I'm afraid I don't.

M^me^ France Gélinas: Well, you're in good company, because none of the other six did either. Some did, but none of them could actually hold a hearing in the French language. Do you feel that Franco-Ontarians who want to use the services of tribunal should be able to have the hearing in French, or is it all right to have translators?

Mr. Brian Cook: My understanding is that they're entitled to have their hearing in French.

M^me^ France Gélinas: I was curious to know about your—all of the seven whom we have seen so far are

either from the GTA or very close thereto—knowledge of northern Ontario.

Mr. Brian Cook: The tribunal where I've been for many years—

M^me^ France Gélinas: Twenty-three.

Mr. Brian Cook: —is also based in Toronto, but we hold regional hearings all around Ontario. I definitely feel that experience—it's really interesting, actually. The cases are different. Workers' compensation cases, anyway, are different in northern Ontario than they are in the GTA, for sure. And the culture is different, so the cases are different. I feel like I've really enjoyed that experience of the exposure to all of Ontario and Ontarians, in this case for workers' compensation, and I'm sure the same will hold true for human rights.

M^me^ France Gélinas: Did you actually travel to northern Ontario?

Mr. Brian Cook: Oh, yes.

M^me^ France Gélinas: You did.

Mr. Brian Cook: We travelled the whole—people shouldn't have to come in from Thunder Bay, for example, all the way to Toronto to have their hearing.

M^me^ France Gélinas: After 23 years of working with workers, I'm sure there's a degree of comfort and knowledge in your skills that you're doing a good job. What motivated you—human rights is so huge—to make the switch?

Mr. Brian Cook: Well, to be perfectly honest, part of the issue is that it's not really a question of my understanding of whether I would have to leave where I am now, but when, because of the government appointment process that stipulates a maximum tenure now. So I would have to leave at some point.

To be frank, I agree with you. It's a bit of a problem when tribunals—especially the senior tribunals that are dealing with highly complex areas such as workers' compensation, human rights, the labour board and so on—for people who have that expertise, lose those people. On the other hand, there are obviously competing things that have to be considered in the government appointment process.

My feeling in terms of the transition from workers' compensation to human rights is that there actually is a lot of overlap. The majority of the cases fall under the employment situation, and a lot of them are about accommodating disability, which of course is certainly something I'm no stranger to at workers' compensation.

M^me^ France Gélinas: Did I understand you correctly, that you were basically happy at your job but that there's a deadline when you have to go?

Mr. Brian Cook: That's my understanding, but I am also very excited about the possibility of joining a new tribunal. In particular, as I mentioned, the Human Rights Tribunal is particularly interested in alternative adjudicative systems and I'm really intrigued by that.

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M^me^ France Gélinas: Which you've already said is something that you have done lots of in your previous employment.

Mr. Brian Cook: That's right.

M^me^ France Gélinas: Those are certainly skills that are transferable. You look like a very qualified candidate. I wish you all the luck.

Mr. Brian Cook: Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much, and that concludes the questions from the members. We appreciate you being here. Thank you.

ALLAN FURLONG

Review of intended appointment, selected by official opposition party: Allan Furlong, intended appointee as member, Durham Regional Police Services Board.

The Chair (Mrs. Julia Munro): I'd like to ask Allan Furlong, the intended appointee as member, Durham Regional Police Services Board, to come forward. Good morning, Mr. Furlong, and welcome to the committee.

Mr. Allan Furlong: Good morning, ma'am.

The Chair (Mrs. Julia Munro): As you would know from observation, you have an opportunity to make comments as you wish, and then we will entertain questions from the members. If you're ready, you may begin.

Mr. Allan Furlong: Thank you. Good morning, Madam Chair and members of the committee. It is an honour to appear before you this morning as the nominee to the Durham Regional Police Services Board. I have a brief opening statement, after which I look forward to the opportunity to discuss my qualifications and skills as they relate to this position.

I have been a resident of Oshawa for almost 40 years and have served my community in a number of different capacities. I have been elected to public office at two levels of government. I am a former trustee with the Durham region Roman Catholic separate school board and a former member of the Ontario provincial Legislature.

I am currently the managing partner of the law firm Strike Furlong Ford and have practised law in Oshawa since 1971. My practice includes, but is not limited to, family law, labour and employment law, and corporate and commercial law. As such, I have frequently been called upon to act in the areas of dispute resolution and labour relations.

I have been an arbitrator on numerous boards of arbitration in Ontario in both rights and interest disputes. As counsel, I have negotiated several collective agreements in the Durham region. I have appeared as counsel before administrative tribunals, including the Ontario Labour Relations Board, Ontario Municipal Board, Workers' Compensation Board, and the Canada pensions appeals tribunal. I have also been a deputy judge in Small Claims Court dealing with bilingual trials when this experiment was tried several years ago.

Over the past 40 years, I have been active in the volunteer community, serving as a coach in the Christian youth hockey league, as president of the Oshawa and District Association for Community Living, and as a fundraiser for the United Way.

Je suis aussi bénévole dans la communauté francophone de Durham. Pour plusieurs années, j'étais membre du conseil d'administration, et au commencement, membre du comité responsable pour bâtir un centre culturel à Oshawa.

I do pro bono work for Big Brothers and Participation House, and I am currently a member of the area committee for legal aid and a member of the Durham Region Law Association.

I believe that I possess the requisite skills to serve as a member of the Durham Regional Police Services Board and would be a valuable addition to that team. I have good analytical skills and have years of experience in the area of consensus-building.

Before I was accepted to law school, I spent three years as a budget and management analyst for the province of New Brunswick. In addition to working on the provincial budget, I was responsible for the preparation of job descriptions, the continuous monitoring of management systems, and salary negotiations with unions. The skills I acquired then have served me well in my work career and will serve me well on this board.

I am currently a member of the senior compensation committee of the University of Ontario Institute of Technology board of governors. Budget preparation and review, salary negotiation and goal-setting are areas where I have demonstrated experience and had success.

I consider myself to be a moderate in most areas and have good listening skills. I never hesitate to ask the difficult questions. I have a reputation for being fair and well researched. I have an ability to see things from several different perspectives. I am not afraid of hard work nor of any new challenges. I have always considered it a privilege to play an active role in my community. I look forward to the opportunity to join the Durham Regional Police Services Board and to offer my time and expertise.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. MacLeod.

Ms. Lisa MacLeod: Thank you, Madam Chair. I appreciate the opportunity to question Mr. Furlong. Welcome back to Queen's Park. I'll be splitting my time with my colleague from the official opposition.

My question: Basically, I understand that there are some drug issues in the city of Oshawa. According to the research provided to us by the legislative research branch, it's been indicated that a recent news report on the drug problem in the city of Oshawa describes how drug dealers and addicts are giving the downtown a bad reputation. There is a station clerk who says, "'I get threats all the time.'

"Mallinos says the city is trying to do something about it, but he doesn't see the cops enough and civic change is slow."

I come from the city of Ottawa, where we face some of the same issues with respect to drug problems. We've got a great police chief. We stole him from the region of Durham, and we're very happy about that, but I know that there's a big hole to fill. But we're very fortunate, because he's a proactive police chief, Vern White. He has brought with him a lot of common sense to the drug problems that the city of Ottawa is facing.

I'd like to know what your views are in terms of harm reduction, i.e., needle exchange programs, free crack pipe programs, and what your opinions are on those. The views in our community probably are similar to what's happening in Oshawa.

Mr. Allan Furlong: The drug problem: As the population increases, it becomes more and more popular. As you read the local press, certainly the downtown area has been an area in which a lot of attention has been focused. We also have a methadone clinic that's right in the downtown core, which, according to press releases, draws addicts and drug people to this area.

There are several programs that have been put in place. The big issue—I think there was a survey done recently, and in my recollection of it, I believe that the complaint from the business people in the downtown area was that a heavier police presence was required. There were programs like the bicycle police officers, the patrol officers walking the downtown area and hitting these spots in the area that you mentioned. If they're there, it seems that they either move away—and hopefully, they'll move further away. But the issue becomes one, from my perspective, of the police officers and police force being more active in presentations and lectures to deal with these people to try to illustrate the problems that the drug is creating, not only within the person but to the community in general.

I'm not familiar with all of the programs that police services have available, but certainly it's a learning process. I recognize it as a problem and I look forward to my initiation with the board—if I'm the appointee. That's certainly an area which we would have to explore.

Ms. Lisa MacLeod: Do you believe in crack pipe programs or free needle exchanges for drug addicts?

Mr. Allan Furlong: Again, at this moment, I really can't give you an opinion on it. I don't know enough about it. I've read the comments that were made even as late as yesterday by the federal Minister of Health with respect to these programs. I really don't know enough about it to give you an opinion at the moment.

Ms. Lisa MacLeod: I would encourage you to read up on it. I look at the excerpt that was provided to us by the legislative library. It's very similar to what's happening in Ottawa's Byward Market. A Tim Hortons in the city of Ottawa basically had to close its public washroom facilities because the free needle clinics were providing free needles, and crack addicts were going in there to either smoke up or inject.

I was very fortunate that Police Chief Vern White arranged for a tour for me with one of his finest officers in that part of the national capital. What I saw was stunning. I think that it's important for any police service, especially a board member, because it became very important in our community when we decided to take a stand. It wasn't just the police chief, it was also the police services board. When they decided, with the city of

Ottawa councillors, to remove the city's crack pipe program and withdraw their funding from it, the province decided to go over their head and inject funds—no pun intended—directly into a program. We've been battling with that.

I think it's a legitimate question to ask what your opinion is. I know that your previous ties to the government may—you may philosophically be inclined to support them, but it is an issue which you are going to have to address. That's why I ask you again: What, on the surface, is your opinion on these harm reduction programs?

Mr. Allan Furlong: My answer is the same. I don't think I know enough about the situation. I can't relate to experiences like you've had. Perhaps something that I might do as a member of the board is travel to the area, have a police officer take me around and show me what the problems are. But at the moment, all I know is what I read in the newspapers. You mentioned Tim Hortons, for example. There were suggestions of a Coffee Time shop in Oshawa with the same problems. But I don't know the details and I don't know what involvement the police force currently has in the program, so I really can't tell you. To be perfectly honest, I don't know whether it's good or bad at this stage; I don't know enough about it.

Ms. Lisa MacLeod: Okay. I'll cede my question time to Mr. Hillier.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Just briefly, although you don't have the same programs in Oshawa as my colleague was speaking of, you did mention that there is a methadone clinic there and that has attracted difficulties and problems. How long has that clinic been there?

Mr. Allan Furlong: Several years.

Mr. Randy Hillier: Several years.

Mr. Allan Furlong: Yes, and it's been a bone of contention with the councillors. Some want to move it from outside of the downtown core. Oshawa council has been attempting to revitalize the downtown area, and this is part of the problem.

Mr. Randy Hillier: I can imagine it would be hard to revitalize when you have methadone clinics there, and the crowd that that may attract.

Mr. Allan Furlong: It's a problem. My office is downtown and I see what happens on the street. You walk by and you see the things that are going on, the disrespect for property and people, and the language. It's a bit brutal.

Mr. Randy Hillier: Well, there are always, I guess we could say, the unintended consequences of these Liberal policies that attract this.

Just to finish off, I find it interesting today the numbers of people coming through with political connections. I understand you have been a member of the Liberal Party here, past president for the Ontario Liberal Party. I guess it's just patronage day at Queen's Park for intended appointments.

Mr. Allan Furlong: Well, I would actually hope—

Mr. Michael A. Brown: Name the other ones.

Mr. Allan Furlong: —you would look at my credentials, as opposed to making comments like that.

The Chair (Mrs. Julia Munro): Excuse me. Could we just have one speaker at a time. Mr. Furlong, if you could continue.

Mr. Allan Furlong: I'm done.

The Chair (Mrs. Julia Munro): Okay. Thank you. Ms. Gélinas.

M^me^ France Gélinas: It's a pleasure to meet you, and thanks for coming.

I want to follow up a little bit as to what the official opposition has been talking about: harm reduction. I think your answer to the first question, where a lot of it has to do with education, was the right one. Your refusal to answer, I think, was also very wise. If you don't have enough knowledge, you shouldn't jump to conclusions. I've spent 25 years of my life on the front line working with homeless people, and we do have a methadone clinic in downtown Sudbury. It has been integrated. We've done our renewal, and it can work. It can work when you do education and you make sure you look after the needs of everybody who lives in Ontario and everybody who lives in your community.

So I encourage you, as you go on to the board of the police force, to really look as to what has brought those people there, what we can do to help them, and what some of the best practices are. In some chronic alcoholism, chronic drug use, harm reduction is part of the best practice and is part of the only ray of hope that we can give those people. So keep your mind open, look at what's out there, and I think you're going at it the right way.

J'étais curieuse de vous entendre parler en français et de voir que vous étiez membre du conseil d'administration du centre francophone.

M. Allan Furlong: Oui.

M^me^ France Gélinas: Je ne savais même pas qu'il y avait un centre francophone à Oshawa. Ça s'appelle comment ?

M. Allan Furlong: Il y a plusieurs organismes dans la communauté. Le COFRD est le conseil des organismes francophones; c'est, comme en anglais, « an umbrella », un parapluie pour les places comme l'Amicale, la bâtisse qui sert le comté comme centre francophone. Ça fait longtemps que je suis à Oshawa, puis il y a beaucoup de francophones qui ont moi comme avocat. Mon problème est que ça fait longtemps que je ne parle pas français parce que j'ai déménagé—je suis né à Rouyn-Noranda, puis j'ai déménagé à Fredericton, au Nouveau-Brunswick, où j'étais à l'université. Après ça, je suis venu ici, puis maintenant je suis au point que je peux écrire ça en anglais puis faire la traduction en français, puis des fois ça ne se traduit pas. Ç'est un peu de les intégrer pour mieux parler.

M^me^ France Gélinas: Pour en venir à bout ?

M. Allan Furlong: Oui.

M^me^ France Gélinas: Est-ce qu'il y a plusieurs francophones à Oshawa ?

M. Allan Furlong: Il y a une grosse communauté. Il y a une paroisse, une église francophones. Je n'en sais pas les numéros de membres, mais il y en a plusieurs.

M^me^ France Gélinas: Il y en a plusieurs ?

M. Allan Furlong: Oui.

M^me^ France Gélinas: Lorsque vous serez sur le conseil, qu'est-ce que vous voyez comme priorité pour le service de police d'Oshawa ?

M. Allan Furlong: Deux choses. Premièrement, ça prendrait un budget pour être certain de pouvoir faire ce qu'on a besoin de faire. Je sais que la communauté à Oshawa a déjà établi des priorités : en anglais, road safety, property issues, violations against public people, assaults, gangs. Moi encore, je ne sais pas exactement quels sont les programmes. Ça va me prendre un peu de temps pour me faire « up to speed ».

M^me^ France Gélinas: J'ai vu que vous étiez très, très impliqué dans votre communauté; il y a des listes et des listes de conseils et de commissions, etc., sur lesquels vous avez siégé. Pour moi, le conseil de la police est toujours quelque chose un peu différent. Qu'est-ce qui vous attire vers ça ?

M. Allan Furlong: Dans mon bureau d'avocat, au commencement, le 1^er^ janvier 2007, j'ai changé mon « partnership », puis j'ai plus de temps pour faire les autres choses que je veux faire. Quand j'ai entendu que la commission était ici, j'étais « online », puis j'ai fait application. Ils m'ont appelé pour me poser des questions sur mon résumé, et puis je suis ici aujourd'hui. Depuis ce temps-là, je regarde sur le Web pour voir ce qui se fait, puis je crois que j'ai la capacité de bien le faire.

M^me^ France Gélinas: Je vous remercie.

The Chair (Mrs. Julia Munro): Thank you. Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Mr. Furlong, for appearing before the standing committee today and for considering the challenges of a role on the police services board for Durham.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the formal part of our meeting. We are recessed until 1 p.m., but I would ask members of the subcommittee, if it's possible, after I've adjourned the meeting, to have a brief meeting.

This committee stands recessed until 1 p.m.

The committee recessed from 1057 to 1302.

MORGAN McCAGUE

Review of intended appointment, selected by official opposition party: Morgan McCague, intended appointee as member, Workplace Safety and Insurance Board.

The Chair (Mrs. Julia Munro): I'd like to call the committee to order and continue with our appointments review: Mr. Peter Morgan McCague, intended appointee as member, Workplace Safety and Insurance Board.

Good afternoon, and welcome to the committee. As you might know, you have a few minutes in which to make a presentation, should you wish, and then we will have questions from the committee members.

Mr. Morgan McCague: Thank you very much, Madam Chairman and members of the committee and, if I do say so, thank you to the staff for all the wonderful background material that they provided.

I have been on the investment committee of the WSIB for three years, and it's from that involvement that I was asked by the chairman, Steve Mahoney, to apply to become a member of the board. I've also been encouraged in doing that by other board members on the investment committee.

The WSIB has a quite a few challenges. One of the biggest challenges is the unfunded liability. The unfunded liability at the end of last year was $8 billion, and as things are going and so forth, it's probably going to get bigger. The board has a policy, the Road to Zero, which is to reduce fatalities, illnesses and injuries in industry down to zero, and they're working on that. The success of that will reduce it, but it's only half the equation.

The other part, if you're going to reduce the unfunded liability, is the investment returns. The investment returns have to at least equal what the actuary is assuming, or, preferably, be greater than that and get it down to the level.

On a personal basis, I've had the very, very good fortune to be engaged in almost all capital markets at different times in my career. Most recently, I was senior vice-president at the Ontario Teachers' Pension Plan. I joined the Ontario teachers' plan and headed up what they call the core portfolio, which we were using to move out of fixed-income assets and get us equity exposure. We did that predominantly through swaps. Later, I took over quantitative portfolios and headed up equity trading and equity derivative. In my last position, I was heading up asset mix and risk.

Prior to that, I actually established the equity operation at WCB. Before that, I was at Alberta teachers. We had 10% of our assets in real estate, large direct oil and gas investments. Prior to that, I worked at James P. Marshall consulting company; at Manulife, and established a number of funds for them; at the Bank of Nova Scotia and Wood Gundy. So, as I said, I'm very fortunate; I've had a very broad background.

What do I bring to the board? First of all, I bring investment things: attitude and so forth. I believe we're in a period of economic change. It's affecting the investment markets around the world, and the old approach where you're going to look at what happened for 20 years is no longer going to work if you're going to achieve the returns that you need. Those changes are also evident in the economy of Ontario. I want to contribute to the board and hopefully make them prosper as they go forward. From my experience, a good board has a variety of different backgrounds and skill levels, and the individuals use their judgment based on the information that they're provided with, in the best interests of the organization, that it pursues its goals.

My background of over 40 years has been in the investment industry. Obviously, because of the variety of things I've had, I tend to be very flexible. I believe that I

will make a contribution to the board. Thank you very much, Madam Chair.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin this afternoon with Ms. Gélinas.

M^me^ France Gélinas: Thank you very much for coming. It's a pleasure to meet you. You realize that being on the board you are part of the governance of the WSIB. Certainly, I agree with you that we need diverse knowledge and skills, and yours are certainly valuable ones. But you will have to take all of the activities of the board, now, into account. How do you feel toward this? You have spoken extensively about your breadth and wealth of knowledge in investment. How about the rest of what goes on at WSIB?

Mr. Morgan McCague: Actually, I look forward to it. I love challenges. I love doing new things. Hopefully, that will never change. Because I love challenges is why I had so many different experiences. They happened to be in one industry, but I love to tackle new challenges, and that's what makes getting up in the morning worthwhile.

M^me^ France Gélinas: Okay. So what do you think of the proposed change to the early and safe return to work programs, which are certainly things that the governance that you're going to be joining will have to have an opinion about?

Mr. Morgan McCague: I have not had an orientation session, so I am not privy to the studies and the analyses and the work that they put forward there. So I can't really speak with any knowledge on that at this point in time. Intuitively, I know myself—In the past, I've had some back problems. I couldn't wait to get back and be doing things and being useful and going forward. That's myself, personally. I think the majority of people want to contribute and be active. So, depending upon the injury of the person or the sickness or the conditions they have, that is obviously going to do it, but I think the majority of people would like to get back and be productive.

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M^me^ France Gélinas: Are you knowledgeable at all about the experience rating program?

Mr. Morgan McCague: At this point in time, sorry, I'm not.

M^me^ France Gélinas: Okay. Just a quick one: Do you know how to speak French?

Mr. Morgan McCague: No, I do not speak French.

M^me^ France Gélinas: Very good. Thank you.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Mr. McCague, for coming today. You're certainly very qualified in terms of investment knowledge. From our perspective, we have no questions of you or comments, so thank you very much.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Good afternoon, and thank you very much for being here today. I was intrigued by some of your comments. It's good to see somebody with that investment experience coming forth. We certainly know that there is a significant number of challenges with WSIB; funding is certainly one of them. They also provide a significant number of challenges to the employers that they deal with as well.

I'd like to just get a couple of your personal comments. I get a great deal of requests to intervene by people involved with WSIB. One of the big ones lately has been the view of WSIB that, at any time, everything is referred to as an incident or an accident. The case I have in mind is an individual who, because of age, gets too old and can no longer do the job that he once did. The WSIB does not recognize that people at age 50 may not be quite as flexible or nimble as when they were 20.

Mr. Morgan McCague: I'm certainly not.

Mr. Randy Hillier: Neither am I. We've had cases where somebody who has—although there was no accident and there was no prior injury, because the gentleman got older and couldn't do the job because his knees were getting a little bit sore and his back was getting a little bit sore, like the rest of us, and he couldn't bend down and crawl around in the basements quite as easily as he once did, the contractors were levied penalties, surcharges. I'd like to just have your thoughts: Should the WSIB recognize that old age is not an injury?

Mr. Morgan McCague: Really and truthfully, with my background, I love to go with probabilities and look at things, and it's a very interesting question that you raise. I don't know what work they've done on that. I don't know what considerations they've done on that. I'd certainly have to take a look at that. You're right: I can no longer do what I could do when I was 20 or 30. However, on the other side of things, I think because of my experience I'm much more productive than I was at 20 or 30. It's an interesting question, and at this point in time, I wouldn't have an answer for that.

Mr. Randy Hillier: Well, I think that goes back to your unfunded liability. We're creating problems where they ought not to be.

Another thing that's very evident as well is that the WSIB actually encourages employers to be deceitful or cheat on the system instead of reporting minor incidents or accidents, just because the cost and the process is onerous.

There's a quote from the president of the Ontario Federation of Labour saying exactly that: "We have a system that encourages employers to lie and cheat to WSIB." I'd like to get your comments on that.

Mr. Morgan McCague: Let me step back for a second—and I think that the analogy is accurate. In the industry where I come from, most of your income is based upon performance bonuses. When you design a system in that area, you've really got to look hard, look at all the different anglesand things, because you want to give the right incentives. If you give the wrong incentives, then people will cheat.

Mr. Randy Hillier: So are you saying that we clearly have the wrong incentives?

Mr. Morgan McCague: Well, I've seen in the investment industry where people should have done a transaction and didn't do it because it was close to year end

and it would impact their bonus. It's somewhat similar here. It's exactly the case you're talking about. It is how you construct it. But boy, you've got to take a lot of time and thought as you design it and try to figure out if you're giving the right signals, and if the right signals aren't being given, then you need to take a very hard look at it. But it is one of the most important things to look at, because people will do what's in their best interests.

Mr. Randy Hillier: Absolutely. I hope we always will continue to do what's in our best interests. But what I was getting at is where we have such minor incidents and such an onerous consequence. That is one of the big factors in this treating and misreporting of incidents or accidents. There ought to be, in my view, and I think in many others', a less onerous burden for such minor incidents and get these statistics that we're making decisions on more accurate and more complete, because clearly the data sets are not accurate that we're making decisions on at the WSIB.

One final thing, and I'm going to bring this up just because—it has nothing to do with WSIB, I don't think, but when I was doing some research on your background, I came across a little something regarding the BCE deal, and you did talk about your investment. It just didn't appear right to me, so I'm going to ask you: There's a comment in here, and first I would ask you if it's truthful, and then if you could add some comment.

Mr. Morgan McCague: You're talking about Morcague?

Mr. Randy Hillier: I'll tell you what I've read here, what's quoted: "The Financial Services Commission of Ontario, which regulates pensions in the province, through the technicality of arranging for a former executive, P. Morgan McCague, to hold the teachers' 66.7% of" voting shares in a BCE deal.

Mr. Morgan McCague: On that one, I have the tightest handcuffs that have ever legally been created. Effectively, the way the pension legislation is written at this point in time, a pension fund—you can own 66% of BCE in this case, but you can only vote 30%. So if that was the case, the foreign partners of Teachers in terms of BCE would control it. To get around that, what Teachers has done is they put all of their voting shares in, shall we say, very friendly hands—mine. But I've got the tightest handcuffs that have ever been created in terms of—and I do exactly what Teachers—

Mr. Randy Hillier: Right. But that is truthful, that you hold two thirds of the voting shares?

Mr. Morgan McCague: Believe me, I wish I had that wealth.

Mr. Randy Hillier: I don't know if the voting shares pay as big a dividend on the other side, but anyway, that just struck me as sort of an odd—

Mr. Morgan McCague: Teachers has used that approach. Maple Leaf Gardens—they basically used convertable debt, which effectively was equity. The Caisse de dépôt, CPP are taking large positions in it. At this point in time, the pension legislation in Ontario hasn't been changed. Other provinces have changed it. BC has done it and Alberta is now doing it. The Ontario act is going to be changed; it just hasn't been changed at this point in time. So it's an avenue, until it does change, where they can exercise their full control.

Mr. Randy Hillier: Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much for coming. We appreciate it.

Mr. Morgan McCague: Thank you very much, Madam Chair. Thank you, members.

MARY TRUEMNER

Review of intended appointment, selected by official opposition party: Mary Truemner, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Our next intended appointee: Mary Truemner, as a member and vice-chair of the Human Rights Tribunal of Ontario. Good afternoon, and welcome to the committee. As you may have observed, you have an opportunity to make any statements you wish, and then we'll have questions from the members. So if you're ready, you may begin.

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Ms. Mary Truemner: Thank you for this opportunity to appear before you and to speak to you about my qualifications for an appointment as a vice-chair to the Human Rights Tribunal of Ontario.

I am a lawyer and a member of the Ontario bar. Except for a couple of years when I was a visiting professor at Osgoode Hall Law School while academic director at Parkdale Community Legal Services, I have been practising law for 20 years, and I have developed an expertise in both human rights and administrative law. I have also worked in management roles while at Osgoode Hall. Presently I am acting director of legal services at a specialty provincial legal aid clinic.

Being in management positions in my career provided me with insights and experience in balancing interests. I realize that you have my application to the Public Appointments Secretariat before you, but I would like to briefly highlight my relevant work experience.

From 1989 to 1996, I was a staff lawyer at the Centre for Equality Rights in Accommodation, which provided legal advice and representation to complainants throughout the process at the Human Rights Commission and what was then the Ontario Board of Inquiry, now the Human Rights Tribunal. In that role, I advised clients alleging discrimination with respect to the merits of human rights complaints and, if warranted, I represented them in mediation, in hearings before the tribunal and sometimes in appeals. Given the lengthy delays at the commission, I regularly initiated resolving complaints through negotiation on behalf of clients, a process that respondents often welcomed, particularly when creative solutions in the interest of both parties were crafted.

Since 1997, I have worked in the legal aid clinic system, where I have regularly created documents and provided training on human rights law to clinic staff

across the province. In the clinic system, I continue to carry traditional human rights files, but my area of practice has expanded into many administrative law arenas, including landlord and tenant, employment insurance, Canada pension, criminal injuries compensation and social assistance matters.

Currently, at the Advocacy Centre for Tenants Ontario, I specialize in test cases and appeals, many of which involve human rights issues that must be argued outside of the process provided through the Human Rights Code. Instead, they must be argued at tribunals like the Landlord and Tenant Board; for example, when an eviction proceeding intersects with discrimination because of a failure to accommodate special needs arising from a ground enumerated in the Human Rights Code. As another example, I represented psychiatric survivors before the Ontario Municipal Board in matters involving opposition to supportive housing and discrimination because of disability. Most recently, I represented low-income residential consumers of Enbridge Gas in a Divisional Court appeal of an Ontario Energy Board decision regarding its jurisdiction, and one of the issues in that case involves section 15 of the charter and equality rights.

All of this is to say two things: one, that I have developed my expertise in human rights and administrative law in a number of contexts; and two, that while I have not been an adjudicator or mediator, as a litigator, I have extensive experience in the following ways: I have represented clients in mediation processes offered by diverse tribunals, I have argued before diverse tribunals, and I have challenged and defended the decisions of diverse tribunals at appeal levels and in judicial review.

This experience has enabled me to assess best practices for adjudicators and mediators so that I can be effective in those roles myself if appointed to the Human Rights Tribunal. Throughout my career I have spoken on human rights and administrative law at professional events and forums, including some sponsored by the Ontario Non-Profit Housing Association, the Law Society of Upper Canada and the Ontario Bar Association. I have received training and I have provided training to legal aid lawyers and law students in trial advocacy and alternative dispute resolution. In that context, I have played the role of adjudicator and mediator.

This is an exciting and dynamic time for the tribunal when it is important that all parties appearing before it, applicants and respondents, respect it for its professionalism, impartiality and accessibility. I applaud the Human Rights Tribunal's core values of accessibility, fairness, transparency, timeliness and an opportunity to be heard. I am committed to those values, and I welcome the opportunity to become a member. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the government. Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much, Ms. Truemner, for your willingness to apply for this position on the Human Rights Tribunal. I wish you the greatest success.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move to Ms. MacLeod.

Ms. Lisa MacLeod: I'll be splitting my time with my colleague from Smiths Falls.

I was interested, Ms. Truemner, with your speech of November 19, 2002, where you singled out six communities as being discriminatory. One was Smiths Falls, Ontario, where you said its official plans and bylaws were discriminatory.

Coming from that region, there's probably no more compassionate community—and it's not my riding, it's his. There's no more compassionate community, when you look at the Rideau Regional Centre and the work that they do, and the amount of effort the people of Smiths Falls put in trying to keep that Rideau Regional Centre open. I would encourage you to learn a little bit more about Smiths Falls. I'm sure my colleague from Smiths Falls will talk about that.

But we're here today to talk about human rights. I have a few questions about that. Right now, we have an issue that actually happened in Ontario, but it's part of a B.C. human rights complaint process. It's in respect to a popular TV program, one that I admit I watch from time to time, Kenny vs. Spenny. Are you familiar with it?

Ms. Mary Truemner: No, I'm not.

Ms. Lisa MacLeod: Recently, there was a competition—

Interjection.

Ms. Lisa MacLeod: It is really not that funny, for the members opposite. I'll explain to them why, if they haven't been keeping up with the news. During a recent competition—the whole show is about competitions—one of the individuals lost. The person who won was able to do anything he wanted to the other. He thought it would be funny to rent a plane and fly over the city of Toronto with a banner that read "Jesus sucks." Right now, it's in front of the B.C. human rights process. I'm wondering, if that were to come before the Ontario Human Rights Tribunal, how you would respond.

Ms. Mary Truemner: I would imagine that would come to the tribunal by way of an application made by someone who felt they were being discriminated against on the basis of religion, creed. Really, there's no guessing as to how that would unravel. It would depend upon the evidence that was led by the parties and the application of that evidence and those facts to the law. I really can't, at this point, comment.

Ms. Lisa MacLeod: Sure. It's interesting, because recently, Maclean's magazine was brought before the Human Rights Commission of Ontario. The statement that the commissioner released was, "While freedom of expression must be recognized as a cornerstone of a functioning democracy, the commission ... strongly condemns" the Islamophobic portrayal "of Muslims, Arabs, South Asians and indeed any racialized community in the media"—such as the Maclean's article and others like it—"as being inconsistent with the values enshrined in"

our Human Rights Code: "Media has a responsibility to engage in fair and unbiased journalism."

Having said that, earlier, the Human Rights Commission does make a point saying that it's not within their boundary, because it's an article in Maclean's. But the Human Rights Code in Ontario specifically says something about signage and if a sign is discriminatory. I'm just wondering, in your personal opinion, do you think that what was on that sign—and I'm not going to repeat it again—is discriminatory, or is it offensive?

Ms. Mary Truemner: I think the Human Rights Code talks about an announcement or a publication that shows an intention to discriminate. So it would have to be an analysis as to whether the facts apply to the code. Again, I can't really comment unless there's evidence.

Ms. Lisa MacLeod: Okay, then in your opinion, is there a difference between offensive conduct and discriminatory conduct? Do you think that the tribunal should oppose offensive conduct?

Ms. Mary Truemner: Well, my children offend me all the time, in terms of them commenting on my clothing. Offensive doesn't necessarily have to be discrimination, discrimination as defined by the Human Rights Code. So there are enumerated grounds in the Human Rights Code, and it may be an assessment of whether a poisoned environment has been created or whether there's differential treatment or harassment. There are a number of factors that would have to be looked at.

Ms. Lisa MacLeod: In your opinion, would the sign be discriminatory or offensive?

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Ms. Mary Truemner: Again—

Ms. Lisa MacLeod: What I'm looking for is not—at the end of the day, what I'd like to know is what the composition of this tribunal is going to look like. That's why I have asked most of the board members—in fact, I would have had all of the tribunal appointees in if I could have, just because I would like to see what the face of this new organization is going to look like.

What I would like to know, just based on what you heard in terms of this sign—and I can provide you with a document here if you need to look at it. Those two words: In your view, would they be discriminatory or offensive?

Ms. Mary Truemner: Again, I'm a lawyer, and as a lawyer you have to look at the law very carefully and look at the facts and apply case law. So I'm not really prepared to give a decision—

Ms. Lisa MacLeod: So you're not comfortable saying you think it's discriminatory or offensive.

Ms. Mary Truemner: No, and I don't think, as a member of the tribunal, I would ever be in a position of having to render a decision that quickly. So, no, I don't feel comfortable providing an opinion. There is a difference between being offensive and being discriminatory, and certainly there are instances where one can be offensive without violating the Human Rights Code, if that's an answer to your question.

Ms. Lisa MacLeod: I think that's a good start. Thank you. My colleague will follow up.

The Chair (Mrs. Julia Munro): Mr. Hillier?

Mr. Randy Hillier: Thank you very much. I actually want to draw your attention to another element of the human rights processes, if I might call it that. Recently, there has been evidence at the federal level of human rights being taken over by people with political agendas, zealots with a political agenda. The case in point I refer to is a fellow named Richard Warman, who, by his own account, has lodged more than 50% of all complaints to the human rights at the federal level and has even gone so far as planting evidence and baiting people into human rights complaints.

My question to you is—we don't know what's happening at the provincial level because the tribunal does not post its decisions or its dispositions of cases. We would not be able to find out that information readily at the provincial level. Do you think that that is fair or reasonable, that the tribunal does not post decisions?

Ms. Mary Truemner: I know each tribunal has a different position on posting their decisions or not, and certainly I have had access to Human Rights Tribunal decisions through Quicklaw and other reporters, so I haven't faced a problem in accessing decisions practising in that area of law. But I guess what you're saying is, I'm not accessing all of them.

I think that the tribunal is making an effort to be transparent. I don't know how it's going to evolve, so I can't really comment.

Mr. Randy Hillier: Yes, it would be one thing for people in the legal industry to have access to decisions and whatnot, but this again is a public tribunal and, just like our court system—what's the phrase?—justice must be seen as well as be completed. If we cannot see the results of the tribunal, then it really puts democracy, justice and our freedom in jeopardy. Do you agree?

Ms. Mary Truemner: I think it's important to be able to access decisions of a tribunal.

Mr. Randy Hillier: Right. Well, what I would like to see happen, of course, is that that motivation is instilled in this new board, that openness, transparency and accuracy is available to all members of society.

Ms. Mary Truemner: Well, I think the chair is in the room, so—

Mr. Randy Hillier: Maybe I'll get around to that when she comes up for another intended appointment.

I'm probably out of time there. I've got a few moments?

The Chair (Mrs. Julia Munro): You do have a few moments.

Mr. Randy Hillier: Okay. The last thing—I'll go back to your speaking notes about, can the law stamp out discriminatory NIMBYism? I did find that somewhat offensive, with the view that the focus on NIMBYism in eastern Ontario is a pretty general statement. I'm not going to make a complaint to the tribunal about it, though. So thank you very much for being here today and answering our questions.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll move, then, to Ms. Gélinas.

M^me^ France Gélinas: Merci. Bonjour, M^me^ Truemner. C'est un plaisir de vous rencontrer. Ça va si on se parle en français ?

M^me^ Mary Truemner: Oui.

M^me^ France Gélinas: Merci. Dans un premier temps, je dois dire que je crois qu'on est rendu à la huitième personne qui va travailler pour le tribunal et vous êtes la deuxième à qui je peux m'adresser en français. Ma deuxième question devient, est-ce que vous vous sentez confortable pour être capable de faire votre travail en français ?

M^me^ Mary Truemner: Oui, j'ai travaillé en français à Ottawa.

M^me^ France Gélinas: Vous êtes capable d'entendre les causes et d'écrire vos rapports ?

M^me^ Mary Truemner: Moi, j'aimerais un peu de support si j'écris des décisions en français. J'aimerais mieux écrire les décisions en anglais puis avoir un traducteur professionnel traduire mes documents, mais peut-être avec un peu plus de temps pour apprendre le vocabulaire et tout ça—j'aurais besoin d'un petit peu de support au commencement, mais je peux le faire.

M^me^ France Gélinas: Vous êtes la première à me répondre que vous êtes capable d'entendre les causes. C'est déjà un pas dans la bonne direction, parce que pour les Franco-Ontariens, nous avons un droit d'être entendu en français, puis lorsqu'il n'y a pas de personnel-là qui parle français, c'est toujours un peu embêtant.

Ma deuxième question, c'est que j'ai vu une partie de votre présentation à la télé, mais j'en ai manqué une partie également. J'aimerais savoir un peu vos connaissances au sujet du nord de l'Ontario.

M^me^ Mary Truemner: Maintenant je travaille avec une clinique juridique avec un mandat pour servir toute la province, puis je connais pas mal les villes comme Thunder Bay, Sault-Sainte-Marie, Sudbury, puis Timmins aussi, parce qu'il y a des cliniques juridiques là aussi. Je sais qu'il y a des problèmes avec l'accessibilité. Il y a des communautés isolées et le transport est très cher, puis c'est difficile d'aller au bureau du gouvernement pour commencer des actions, des requêtes, des choses comme ça. Vraiment les litiges au nord sont dans le domaine de la communication et l'accessibilité de jouer dans le système de justice. Je connais aussi les histoires des autochtones au nord, parce qu'il y a beaucoup de discrimination là contre les autochtones, la pauvreté au nord—je connais le nord, comme ça, oui.

M^me^ France Gélinas: Donc, vous vous êtes rendue, dans votre emploi, dans les sites de Sudbury, de Timmins, etc ?

M^me^ Mary Truemner: Oui.

M^me^ France Gélinas: Assez fréquemment ?

M^me^ Mary Truemner: Non, probablement une ou deux fois par année.

M^me^ France Gélinas: Je vous remercie. C'étaient mes questions.

M^me^ Mary Truemner: Merci.

The Chair (Mrs. Julia Munro): Thank you very much. I appreciate that you've been able to be here and join us.

THOMAS RANKIN

Review of intended appointment, selected by third party: Thomas Rankin, intended appointee as vice-chair, South East Local Health Integration Network.

The Chair (Mrs. Julia Munro): Next is Thomas Rankin, the intended appointee as vice-chair, South East Local Health Integration Network. Good afternoon, Mr. Rankin, and welcome to the committee. As you will have observed, you have an opportunity to make some comments and then we will have questions from members.

Mr. Thomas Rankin: Thank you very much, Madam Chair, committee members. This is a new thing for me, after all of these years that I worked for the Ontario government, to actually come before a committee of members. It's the first time.

I've been involved with health care for almost 10 years now—in all of that involvement as a board member. My first involvement was with the community care access centre for Lanark, Leeds and Grenville, where I eventually became the chair, and was the vice-chair of the Ontario Association of Community Care Access Centres, where I chaired the transition committee that developed a process for moving from 43 CCACs to 14—a rather difficult period of time for us. I had to give that up when I put my name forward for the LHIN, unfortunately; I really wanted to see that one through.

I've also spent a couple of years as a member of the board of the Merrickville District Community Health Centre, where I chaired the centre effectiveness committee, where we introduced a balanced-score-card approach to a strategic plan for the first time. While I was with the CCAC, I was the CCAC rep for Cancer Care Ontario, for the southeastern advisory council. I've now been with the LHIN for a little over two years and I chair the finance committee and the CEO—what do we call that now?—evaluation and compensation committee.

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All of that has come after the 30 years I spent in public service. I worked at the University of Waterloo for almost three years and 27 years with the Ontario government. Most of that time, I was a manager or an executive. In all cases, I would say I was in the field. I worked in regional offices; I was a regional director. The focus of the work was what I would describe as quality of life; it was all the good-news side of government and leadership development. We did quite a bit of work developing community boards and developing leadership capacities in the organizations that we worked with.

In the last couple of years and after I retired, I moderated executive development programs with the Niagara Institute and the Canadian Centre for Management Development. I think those experiences—my wife would say that I spent all of my time either on the train or in

meetings, and now that I'm retired I'm still doing the same kind of thing.

I'm interested in being a vice-chair of the LHIN to be more involved in the actual leadership of the development of the LHIN concept, and the southeast in particular. My name was nominated and recommended unanimously by the board to be put forward for this position, which I very much appreciated.

In my role as a regional director, I found that when you're trying to make developments happen it's helpful if you have some control over the money that's associated with that. Without boasting, in the ministries that I was involved with for the last 10 years or so, once it was signed off by me as the regional director, the next person who signed it was the minister. So, for all intents and purposes, the development activity and the funds related were, in fact, in the region.

That's the kind of thing that I saw was missing when I started to become involved with the health care system, so my sense of what the LHIN is about—the business of planning, coordination, integration and having the funding associated with that all in one place—was an appropriate step, and I'd really like to take an active part in making it successful.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the official opposition. Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here today, all the way from a lovely little spot that I've driven by a few times—

Mr. Thomas Rankin: From your backyard. I'm actually living in Montague township, Randy. You're my MPP.

Mr. Randy Hillier: Right on. Thank you, anyway, for being here. There are a couple of comments. Of course, we all recognize health care has significant challenges, and I can tell you that there's not one hospital, pharmacy or chiropractor that has not called me up over the course of the last year conveying to me their challenges and their difficulties. Most of it is in the administration of health care; that is where the bulk of the delays and the problems come into play. I just want to get your comment. What role do you see for the LHIN in helping to alleviate that administrative problem in health care, other than just controlling the money, which of course is a very important thing?

Mr. Thomas Rankin: Maybe I need to be a little clearer on what you mean by administration and the administrative problems.

Mr. Randy Hillier: I can give you a bunch of different examples that may illustrate it. I was speaking with a number of people. I'll not mention the long-term-care facility, but they were saying that approximately six hours of every nurse's shift in that facility was spent doing administrative paperwork. That would be one example; I could give you a few more.

Mr. Thomas Rankin: I'll go with that one, if that's okay.

Mr. Randy Hillier: For the hospitals, generally a third of the shift is what I've been told by the CEOs of the hospitals: Approximately a third of each nurse's day is consumed with administration.

Mr. Thomas Rankin: Just a couple of preliminary comments first: As a member of the LHIN board, I'm not going to be in a position to directly affect the administrative structure of a particular institution. But I think what we can do—and we've been seeing this—is that if we take the hospitals as an example in negotiating the service accountability agreements, we've been encouraging individual institutions to take a really hard look at their processes. We have provided some funding to that end.

It's fair to say that—I don't know what percentage, but a significant part of the cost problems the institutions are facing could be addressed by looking at internal processes. A number of hospitals have significant absenteeism. A lot of that, I think, is tone, the nature of how work is organized. We're seeing in a number of institutions, not just in the southeast but across the province, that there are a number of best practices that are addressing that problem head on. I'd like to think that the CCAC that I was involved with was well managed, and I would put them up as an example for anyone.

The other thing that I think you'll get comments about is how you make a transition from one place in the health care system to others. That's probably our largest challenge, to determine clearly which institution has responsibility for which kind of service. Each of these units have grown up, in a sense, in isolation. Everybody uses the silo imagery, but the way they've related to the ministry has been by branches in the Ministry of Health. A big part of our job is to try and make sense out of those practices that have grown up, evolved, and try to reshape them into something that is in fact a system. George Smitherman said that there is not a health care system, that our challenge is to create some local systems that are more reflective of the need and more patient-centred.

Mr. Randy Hillier: I would agree. I think we have more of a health care puzzle at the present time than a system.

Mr. Thomas Rankin: I'm very good at puzzles.

Mr. Randy Hillier: Well, that's very good.

One other last comment if I have time is on the Rideau Regional Centre, something nice and local. Of course, there have been a number of different suggestions and opinions offered with Rideau Regional. I see that as a great facility. I think we're doing society and ourselves a disservice by not re-engaging that facility, especially at this time when we do have severe bottlenecks causing wait times. We do know that we do have significant problems with long-term care, getting people in. I'm not going to put you on the spot on—

Mr. Thomas Rankin: You could try.

Mr. Randy Hillier: What do you see as some of the solutions on this long-term care—alleviating that hardship and also at the same time alleviating bottlenecks created earlier in the system?

Mr. Thomas Rankin: Our stats indicate that in southeastern Ontario we're shy on long-term-care beds. Given

the population base and the age of our population—over 65—in looking at provincial averages, we have insufficient beds. We have absolutely no supportive living spaces at all—senior apartments with additional services provided.

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It seems to me, in our discussions, that the answer is not always to go into a long-term-care facility. In fact, most of us would prefer to die before we have to go into them; that's not necessarily the answer for most of us. It's to look at alternatives in supportive housing. We've just launched a new SMILE program, which is unique to southeastern Ontario, which is aimed at keeping people at home, the high-risk population, to see what kind of services they would need in order to keep themselves at home and not have to go into long-term-care facilities. A big part of it is creating reasonable alternatives to long-term care, but at the same time, I think we do need a few more beds, realistically.

In terms of what the uses of Rideau Regional are, I haven't seen the report. If it comes to us, I'm sure it'll get reasonable consideration. I would say that my experience in my working life was that it's very difficult. Let me give you a quick example. The Clinton air base was offered to the province of Ontario for $1. We asked to look at it because we could see it as a possible support training centre; it had some good facilities. But the cost of bringing something like that up to standard, changing its usage and then maintaining it over time just made it prohibitive.

It's not a simple question, taking a facility which was built for one purpose and trying to look at it to create alternatives. I would just hope that the work that has been done in studying that is well done and has some options built in.

Mr. Randy Hillier: I want to thank you very much for being here, and I look forward for an opportunity to sit down and discuss over in Perth sometime some more of these items. Thank you.

Mr. Thomas Rankin: My pleasure.

The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: Thank you very much for coming, Mr. Rankin. As a member of the board of the LHIN, you will be the governance of the LHIN for the southwest and—

Mr. Thomas Rankin: Southeast.

M^me^ France Gélinas: Southeast; sorry. Given the policy direction for your LHIN, I'm interested in your personal view as to medicare and privatization and where you stand on that issue.

Mr. Thomas Rankin: At the root, I spent my career in public service, so my orientation would be to say that health is probably better to be maintained as a public service. In practical terms, in my role with the LHIN, our job is to make the health care system as it is at the moment work better. The decisions about what may well be privatized will be made somewhere else. Within my term limits, I don't see that becoming an issue for me to address at all.

M^me^ France Gélinas: Okay. How did the first round of negotiations with the accountability agreements for the hospitals in your LHIN catchment area go?

Mr. Thomas Rankin: I would say, good and bad. Out of the seven hospitals, we had five sign the agreements within the time frame. Some of you may know that Kingston General Hospital is under supervision at the moment, and that was done at our recommendation, so that has been postponed pending the work of the supervisor. There are lots of issues at Kingston General. I think they're all signed now, with the exception of the Kingston hospital. It was difficult for some.

Last time out, the Kingston hospital signed an agreement that they would in fact balance their budget, and then the first time we did a review, they said they were going to be $9 million over budget. The fact that we have a signed agreement doesn't mean that we're all free and clear.

I would say, though, that I'm quite impressed with the quality of the staff that we have who are negotiating with the hospitals and getting the agreements to the point where both the boards of the hospitals and the board of the LHIN can sign off on them with confidence.

M^me^ France Gélinas: You answered the first part of my question that had to do with how you feel about medicare and privatization.

In the South West LHIN, one hospital has run into a problem, and it could have happened in the South East LHIN. Basically, they decided to privatize their out-patient physiotherapy service. There will be in-patient physiotherapy services that will continue to be provided to the patients in the hospital, but the out-patient clinic won't be there anymore; it will be a private clinic that will be looking after the physiotherapy needs of the clients. This is a decision that the LHIN had to approve. It could go to your LHIN, and I'd like your view on that. If that was the way that a hospital was to balance their budget to sign their accountability agreement, which side of the coin would you fall on?

Mr. Thomas Rankin: Whether we would end up going private or not, I don't know. The key, though, in any one organization making a decision to balance their budget at the expense of a service would be to look at how that decision is affecting other agencies in the region, as well as the overall service pattern. We've provided physiotherapy services through the CCAC. In the Brockville area, between the hospital and the CCAC, we were negotiating to move that kind of out-patient service that was provided at the hospital to come under the auspices of the CCAC. So there are other options.

In principle, I would say that I'm a pragmatist. Ultimately, my instincts are more to the public sector, but pragmatically, if that's the only option and it's a reasonably good option, I would say that it would have to be considered.

M^me^ France Gélinas: Although there are not very many French-speaking Ontarians living in your catchment area, Kingston has been designated a French-language area. Do you know how the governance of the

LHIN is going to handle this issue, given the small numbers?

Mr. Thomas Rankin: The answer to that is yes and no. There have been two provincial committees established, one to address issues of native communities and the other to address the needs of francophone populations. We will be guided by the protocols, the approaches that will be decided at that level. Within that context, we do have a report on the shortfalls for south-eastern Ontario in the area of French-language services. Until such time as we get that overarching approach coming from the provincial committee and some indication of whether there is going to be funding assistance, we will be waiting. I would anticipate that probably one of our largest challenges will be getting appropriate human resources to address the needs.

It's our instinct that much of the French population in the Kingston area is because of the military. That may be an opportunity for us to look at how we can marry some of those community issues with the bases in the area, but that's just off the top of my head. We'll wait until such time as we get an idea of how this is going to be approached provincially.

1400

M^me^ France Gélinas: You've been on the LHIN for a few years now, so you know the services that are funded by the LHIN, versus public health, primary care etc, which are funded directly by the province. What are your views on this? Is this a good split? Is this something you want to see continue the way it is, or would you see some services shifting one way or another?

Mr. Thomas Rankin: I must say that the ones that we've got are a huge bite as it is: It's $850 million. We haven't let the fact that we're funding stand in the way of taking initiatives. One of our priorities is primary care, so we initiated a primary care forum using the family medicine people at Queen's.

We've also initiated a regional waiting list so that as people are identifying a need for a physician, we can try and manage that with opportunities as they come up on a regional basis. So levers are important, but there are other things that we can do without that, and we're not going to let that stand in the way. I think that public health and activities related to illness prevention might be the next wave. It would be nice to have some funding for physicians. I don't see that happening. It hasn't happened anywhere in the country. That's one that I can't see the medical establishment giving up, their ability to negotiate provincially.

Personally, I have a daughter who worked as a physician in a community health centre, and it happened to be the one that I was on the board for eventually. That model, where you have physicians who work on salary and within a team, to me is an excellent model, and I'd like to see more of them. At the moment, we do have funding for community health centres.

M^me^ France Gélinas: Very good. Say hello to Peter McKenna for me.

Mr. Thomas Rankin: I shall. The last I heard he's doing quite well.

The Chair (Mrs. Julia Munro): Mr. Lalonde.

Mr. Jean-Marc Lalonde: Thank you very much for being here. Your experience could be a great asset for the LHIN board, to become vice-chair. I was under the impression that the east end was really the five eastern counties, but I've just found out today that there's another LHIN that exists, so Champlain is not part of yours.

Mr. Thomas Rankin: No.

Mr. Jean-Marc Lalonde: How many, beside the seven hospitals that you have—you mentioned you have seven hospitals in your south east. How many long-term-care facilities do you have?

Mr. Thomas Rankin: I should have written those numbers down, but I didn't. I think it's 23 facilities. I don't know how many beds that represents.

Mr. Jean-Marc Lalonde: And you mentioned there's a lack of beds in your area for long-term care.

Mr. Thomas Rankin: Statistically.

Mr. Jean-Marc Lalonde: Because there are some ratios to follow.

Mr. Thomas Rankin: That's right.

Mr. Jean-Marc Lalonde: So many beds per 1,000 people of 75 and over, I believe it is. I know it's costing the government over $3 billion at the present time for nursing homes in Ontario, which is $186 a day that the government is either paying or partly paying the full amount.

My question is—at the present time, it is a problem in eastern Ontario, and I believe it is all over Ontario: the emergency room at the hospital. The doctors at the present time who have patients don't want the patients to go to a public clinic; they want them to go directly to emergency. That has to be corrected; emergency is for an emergency. It happens every week down in eastern Ontario, and I'm sure down your way it's the same.

I'd just like to know—right now the doctors are saying to their patients, "If you stop at the Orléans clinic, you're not part of my patient list any more. You've got to go directly to the hospital emergency." You'll wait there six hours, eight hours, nine hours; I know I had to wait nine hours, but I'm not allowed to stop at the public clinic, which is fully paid by the government. But the doctors are saying they're not getting paid. I just found this out, talking to other doctors, and I'd just like to get your opinion: The doctors, when they get you to sign this form that you become their patient, they get, I believe, $120 a year. Whether you go or not, the doctor gets that. If you happen to stop at the public clinic, they lose that amount of money, so this is why they're sending them directly to emergency, which is really there for those people who are an emergency case. The hospitals don't want the government to stop that because the answer we got from them was, "Don't ever do that, tell the people to go the public clinic. The emergency is our bread and butter." I'd just like to hear your opinion, because this is part of your responsibility, to correct that.

At the present time, besides this, how many times have we found out lately that there is not a single ambu-

lance available on the road? Up to 12 at the same time were at the Ottawa General, all in the emergency room. People are still under the impression that if you go there by ambulance, you're going to get through immediately—not anymore. I've heard the experience of a lady, who, when she found out she was going to be there for four hours, collected money from people to take a cab to go back home. So that is part of your responsibility, really, to try and correct that.

Mr. Thomas Rankin: I accept the challenge.

Mr. Randy Hillier: He's good at doing puzzles.

Mr. Jean-Marc Lalonde: But as Madame Gélinas also mentioned, eastern Ontario, the five counties plus your area, has over 225,000 francophones; in Kingston, I'm told that quite a few families now don't even speak English at all because they came in from Quebec to go to the military college. I think it's an issue that the government will have to address, and it would be according to your recommendation what the LHIN would do to serve those people.

Mr. Thomas Rankin: Everything you've said is true, and I'm sure it's true in other parts of the province as well. We have a number of leads. Let me just back up for a second. There isn't anything that the LHINs—if you want to make a change in the long term in the way health operates in the province, what you don't want to do is introduce another policeman. What you want to do, in my view, is, this has to be done in a collaborative way. We have levers, but all of the work is being done by other agencies who get the money, who get the mandate and who have their own boards.

Mr. Jean-Marc Lalonde: But you control the money.

Mr. Thomas Rankin: We do control the money, and that's not a small thing. It's not an equal partnership.

Mr. Jean-Marc Lalonde: We've gone a long way, though.

Mr. Thomas Rankin: But our capacity to make change, if we're the only ones who thought this was a good idea, is limited. So we have in place a number of leads for these issues. We've got somebody who's addressing the e-health issue, and we do have somebody who's addressing the issue of emergency. It's an issue. It's an issue everywhere, and we have someone who will be working with the hospitals and the primary care physicians, as well as the CCACs, to see how that interaction with hospitals can be improved.

There are a lot of things that can be done—because it's often seniors who end up in emergency—when there are other options. I think that a lot of that could be addressed by the CCACs. It's a complex issue, and I don't want to take on the role of the physician who's taking a lead on that. All I can say is that we're aware of the issues and there are processes in place to address them. If I come back sometime and I'm coming up for chair, maybe you can ask me how well we've done.

Mr. Jean-Marc Lalonde: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much for coming and providing us with your insights. We appreciate you being here.

Mr. Thomas Rankin: Thank you very much.

JANE BOWLES

Review of intended appointment, selected by official opposition party: Dr. Jane Bowles, intended appointee as member, Committee on the Status of Species at Risk in Ontario.

The Chair (Mrs. Julia Munro): Our next interview is Jane Bowles, the intended appointee as member, Committee on the Status of Species at Risk in Ontario.

Good afternoon, Ms. Bowles, and welcome to the committee. As you may have observed, you have an opportunity to make some comments prior to questions from the committee members. If you wish to do so, as soon as you're comfortable, please go ahead.

1410

Dr. Jane Bowles: Thank you, Madam Chair, for allowing me to appear before the committee. I'd just like to briefly summarize my relevant experience and expertise for this appointment. I have a Ph.D. in plant ecology and over 25 years of experience working as a freelance ecologist and conservation biologist, mainly in southern Ontario, but all over Ontario. I'm author of many life science inventories and other documents dealing with conservation, and I've got a very good familiarity with the flora, fauna and habitat types of Ontario, particularly of southern Ontario.

I'm also co-author of several species status reports for both single species and ecosystem recovery strategies, so I have a fair amount of experience with species at risk. Since 2002, the federal government has awarded me several contracts as a species-at-risk specialist, and I sit on several recovery teams, including those for tall grass prairie, Carolinian woodlands and Walpole Island ecosystems. Each of those involves multiple species at risk.

For five years, I've worked closely with Walpole Island First Nation on their species-at-risk and habitat stewardship program, so I've got a fair amount of familiarity with aboriginal issues as well. Since 2002, I've sat on the plant specialist subcommittee of COSEWIC, which is the federal equivalent to COSSARO, and since 2005 I've been one of the two non-government employees on COSSARO, so the old COSSARO. I was also a member of the minister's advisory panel that gave advice about the new species-at-risk act for Ontario. So I've had input into the new act.

Finally, as director and chair of the property management committee for the Thames Talbot Land Trust, I'm now in a position of being a landowner with species at risk on properties that I have to manage and look after, so I'm getting the other side of the thing too. That's everything I'll say.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Gélinas.

M^me^ France Gélinas: Were you done?

Dr. Jane Bowles: I was done, yes.

M^me^ France Gélinas: Okay. It seemed like it was quick. Thank you for coming. It's a pleasure to meet you.

I only have a few questions. I realize that most of your work has been in southern Ontario. I'm just curious to know your knowledge of northern Ontario.

Dr. Jane Bowles: I've worked in the clay belt area and I've worked elsewhere in the Arctic, in the Yukon and in Greenland, but I haven't worked in Arctic Ontario. But I'm fairly familiar with the Arctic ecosystems and northern ecosystems. The clay belt is part of the boreal system, but I've mainly been based in southern Ontario, where most of the diversity is, so most of what's happening is happening—

M^me^ France Gélinas: Come on, there's lots happening in northern Ontario.

Dr. Jane Bowles: There's definitely some happening.

M^me^ France Gélinas: All right. Thank you.

Mrs. Maria Van Bommel: Thank you very much for coming in from Thorndale today, Dr. Bowles. Walpole Island is in my riding, and I want to thank you for your involvement in the work that has been done there. Certainly, it is evident; you can see that a lot of progress has been made but there is still a lot more to do, so I hope you'll continue with your work with Walpole.

Dr. Jane Bowles: I'm having so much fun working with them, and it's such a wonderful place that it's worth putting every effort, every atom of effort into protecting it.

Mrs. Maria Van Bommel: It's a wonderful community, and the community really wants this to work for them as well, so thank you.

The Chair (Mrs. Julia Munro): Thank you very much. Mr. Hillier.

Mr. Randy Hillier: Good afternoon, and thank you very much for being here. We've chatted with quite a number of people this week who are appointees to COSSARO, and it looks like we're going to have quite a breadth of knowledge represented there, from bats to rats to plants and everything in between.

I would like to get a couple of comments. We do have a diverse set of species in this province, and of course there are many things that affect those species. People and development are one, but also climate and a whole host of other factors that are beyond our own control. We also live and work here, and we need to have a prosperous community. We have put in some exemptions from the requirements of the act for different industries, because the act in many cases is a punitive act, or having an identified species on your property can end up with expensive consequences. I'd like to have your view: Do you think that's appropriate, that they be punished instead of rewarded, with the consequence of having an identified species, going through the developments and the permits and all the other restrictions on their properties, or could there be better ways of dealing with this for somebody who has actually taken care of their property and has a diverse set of species on it?

Dr. Jane Bowles: You mean specifically with the exemptions or—

Mr. Randy Hillier: We have exempted some industries from that punitive component. I'm asking you, do you think that is the right way of going, punishing people for having identified species on their property or exempting them, or could there be a better approach to this altogether?

Dr. Jane Bowles: I don't think punishment comes into it, and it's certainly not the way to get the public, the industries and the landowners onside. The species cannot be recovered or protected without landowner co-operation and buy-in to this. Stewardship is the way to go, not punishment. But some of the exemptions I find quite baffling; for example, one of the forestry industry's reasons for wanting the exemption was that they're already covered by management plans. Well, if they have good management plans they have nothing to fear from the Endangered Species Act.

Mr. Randy Hillier: The way I understand it, with my reading of the act—let's hypothesize that somebody in the forestry business has a management plan and is doing things with best practices and there is then found to be some identified or threatened or endangered species on that property where they have been selectively harvesting or whatever they may be doing. Now there's a new and greater burden for them to continue to do what they've been doing in the past, if they don't have that exemption. The permitting fees and the application processes and the costs involved are quite onerous.

Dr. Jane Bowles: I think you're probably right in some cases, but a lot of the reaction that I saw, certainly when I was on the minister's advisory committee and going to stakeholders' meetings, was fear of change rather than fear of what was actually going to be coming down. I think some of that may still be hanging over. And it's quite a normal reaction. Everybody has that reaction: "It's my property. Why shouldn't I do what I want to do on it?"

Mr. Randy Hillier: There may be that element of fear of change with some people. I actually know people directly who have lost their properties over an identified species on it. It wasn't a fear of change, it was the financial loss that accompanied it, with nesting birds and their inability to do what historically they were able to do on those properties. So I don't think it's just a matter of fear of change. The act does enable and authorize significant new powers and costs.

1420

We're also seeing some involvement now as well where it is infringing upon other provincial initiatives. In the area of my riding, there's a large solar park that has been approved, the largest solar park in North America; however, there has been a loggerhead shrike nesting area identified in that area, and I'm not sure if they'll be able to go ahead. Right now, they're going through significant cost increases to not disturb that nesting area. Do you think that we're seeing a contradiction or we're seeing two sets of laws or two initiatives contradicting each other and making it difficult to achieve anything?

Dr. Jane Bowles: I'm a biologist, so my view of the world is from a biological point of view rather than an economic point of view. I'm quite happy to admit that.

But I think both are very important. We've got to find a balance, and I think, as I said, that stewardship is the key to this Endangered Species Act. If there are financial burdens associated with it, then it shouldn't be the burden of individuals to do that. There's a stewardship fund set up that will help. There are various ways of dealing with it. But a lot of those decisions and those things are political decisions, and I see COSSARO's role as a scientific role. So I'm not denying the importance of what you're saying, but I also think that for the long-term future of biodiversity, which is one of the most important, fundamental things, we need to set down some ground rules.

Mr. Randy Hillier: I'm glad you mentioned the economy, because of course the economy allows us to have botanists and biologists.

Dr. Jane Bowles: Absolutely.

Mr. Randy Hillier: If we didn't have a successful economy, we wouldn't have people like yourself.

Dr. Jane Bowles: We wouldn't be caring whether—

Mr. Randy Hillier: That's right. But you made a point there, and I think it is important: You mentioned stewardship. That, of course, will provide some ability or some means, but it doesn't provide for compensation. It may allow for some mitigation work, but not for any compensation at all for the individual to bear the cost of that public good that we're trying to achieve. Actually, there is no mechanism in the act to compensate for financial losses.

Anyway, thank you very much for being here today. I'm sure you'll have enjoyable conversations at COSSARO.

Dr. Jane Bowles: I hope so.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questioning. We certainly appreciate you coming.

SHERI PRICE

Review of intended appointment, selected by official opposition party: Sheri Price, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Next is Sheri Price, the intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

Good afternoon, and welcome to the committee.

Ms. Sheri Price: Good afternoon. Thank you.

The Chair (Mrs. Julia Munro): As you might have observed, you have an opportunity in which to make comments yourself, and then we will have questions from the committee members. You're free to go ahead.

Ms. Sheri Price: Good afternoon, ladies and gentlemen and Madam Chair. Thank you for the opportunity to speak to you today about my background and interest in being appointed as a full-time chair of the Human Rights Tribunal of Ontario. I feel it really is an honour to be considered for this appointment.

I'd like to begin by telling you a little bit about my background. I was born and raised in Corner Brook, Newfoundland. After high school, I was awarded a four-year entrance scholarship to attend Acadia University, where I obtained a Bachelor of Arts degree and earned the distinction of University Scholar.

I moved to Ontario to study law at Osgoode Hall Law School in 1991, and it was there that I began to develop a keen interest in human rights law. I tended to choose courses with a focus on equality rights and diversity issues. During law school, I was selected to complete a human rights internship in Bogota, Colombia, where I had the opportunity to work with some organizations and individuals on issues confronting such groups as street children, women and displaced persons. I also, while I was there, attended two international conferences on human rights, democracy and development. I wrote for and helped to edit an international legal journal during my time there.

I subsequently won a Rotary International ambassadorial scholarship to study law in South Africa. That was 1994, and it was the year of the first democratic election and when Nelson Mandela was elected president of the country. That was an amazing opportunity to study human rights, administrative and constitutional law with some of South Africa's top legal scholars at a time when they themselves were developing their own constitution and a bill of rights.

While I was in South Africa, I also conducted some primary research among domestic workers aimed at investigating the level of compliance with the Basic Conditions of Employment Act, which had been first extended to them in the early 1990s. I wrote a paper about my findings for the University of the Witwatersrand in Johannesburg.

After returning to Canada, articling and being called to practise at the Ontario bar, I completed a master of laws degree at the University of Toronto law school.

Since 1996, I've been in private practice in Toronto, where I have practised primarily on behalf of trade unions and employees in the areas of labour and employment law. In this capacity, I have advised and represented clients before the Ontario Labour Relations Board, the courts, boards of arbitration and other administrative tribunals. I've also had occasion to represent individuals before the College of Nurses, the Workplace Safety and Insurance Appeals Tribunal, the Social Benefits Tribunal, the CPP Review Tribunal and other administrative tribunals.

Outside of my work commitments, I've tried to be involved as an active member of my community as well. In the past, I've served as a director and vice-president of the board of directors of the Open Door Centre, which is now closed but in its day was the largest day shelter for the homeless in Toronto.

Since 2003, I have volunteered with St. Christopher House, which is a large multi-service neighbourhood agency in the west end of downtown Toronto, where I also live myself with my spouse and our three daughters.

After a number of years volunteering with St. Christopher House, I was recently elected to its board of directors. St. Christopher House provides services to seniors, adults, youth and children. Some of the programs which you may have heard of include Meals on Wheels, adult literacy training, English-as-a-second-language classes, drug and alcohol abuse prevention programs, after-school programs and a music school for children.

Turning to my candidacy for appointment to the Human Rights Tribunal of Ontario, I believe that my training, my education and my experience in human rights and administrative law, as well as my personal attributes, make me particularly well-suited to fulfill the responsibilities of a vice-chair and member of the tribunal.

My law practice has afforded me the opportunity to handle numerous human rights cases, and I also regularly advise clients on human rights issues. I have represented both applicants and respondents in complaints under the Human Rights Code. Also, because labour arbitrators in Ontario have jurisdiction to interpret and apply the Ontario Human Rights Code, I've had the opportunity to conduct many human rights cases before arbitrators. In so doing, I feel I've gained considerable expertise in human rights law, particularly in the labour and employment context, which is one of the main areas in which complaints under the code have been filed historically.

I've also spoken on human rights, labour law and administrative law topics. I've spoken to lawyers on behalf of the Law Society of Upper Canada and also to human resource professionals, lawyers and other union representatives at a conferences on human rights. In addition, over the years I've given numerous training seminars to my clients on various human rights topics such as the new human rights system in Ontario, the abolition of mandatory retirement in Ontario, the accommodation of disability in the workplace, and discrimination and harassment in the workplace on various prohibited grounds.

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As a vice-chair of the Human Rights Tribunal of Ontario, one needs to be an impartial adjudicator. In my work life to date, I have served as an advocate, so I have not yet had the opportunity to work as an adjudicator. However, I do have every confidence in my ability to do this and to do it well for a number of reasons.

First, the neutral role of an adjudicator is one for which I'm well suited by my nature. Fairness and justice are two of my own core values and a big part of what drew me to law in the first place. I'm also a very thoughtful person who considers things carefully before making a decision. I'm deeply committed to being objective and making fair, well-thought-out and well-reasoned decisions.

Second, my background experience as a labour practitioner has given me a great deal of exposure to the adjudication process. Having spent much of my working life in hearing rooms, I have developed a strong sense of what is required of a good adjudicator and am very confident in my ability to conduct hearings in a manner which accords with the core values of the tribunal, which are accessibility, fairness, transparency, timeliness and the opportunity to be heard. As a frequent participant in adjudicative processes, I am very familiar with the administrative law requirements of natural justice and the right to a fair hearing.

A vice-chair of the Human Rights Tribunal of Ontario also needs to be a good mediator, since I understand that this is one of the tasks that will likely be assigned to vice-chairs. This is definitely an area where I excel. I formally studied alternative dispute resolution methods in law school, both in Canada and in South Africa. However, I feel my hands-on experience is definitely my greatest asset in this regard. In my legal practice, I have adopted a problem-solving approach to dispute resolution. At times, that has led me to advocate for clients because that's what the problem required. The vast majority of my cases, however, have been resolved through mediation, and I take a leadership role in that process. In my years of practice, I have settled hundreds, if not more than a thousand, disputes arising under various statutes, including under the Ontario Human Rights Code.

To sum up, I feel that my expertise in the substantive law and the procedural requirements of the administrative process give me the solid foundation necessary to fulfill the responsibilities of a vice-chair of the Human Rights Tribunal of Ontario. In addition to my knowledge and experience, I bring strong personal attributes to the position: a great work ethic, intellectual rigour, a commitment to fairness, and a strong desire to serve the people of Ontario to the best of my abilities.

Thank you for your attention. I look forward to your questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much, Ms. Price, for coming before the committee today. In listening to your experiences both here and internationally, I would say you're well qualified in the area of human rights, so thank you very much for applying to this position.

Ms. Sheri Price: Thank you.

The Chair (Mrs. Julia Munro): Mr. Brown?

Mr. Michael A. Brown: Just briefly, thank you for appearing. I'm sure you would know this, but we have been looking at a briefing note that told us that the tribunal doesn't post its decisions for the public to know. Apparently that is true, but the tribunal does have a link to the Canadian Legal Information Institute, where every decision that the tribunal makes is public, as are all the decisions that the commission makes. So it's a matter of clicking on the link. Is that correct? Is that your understanding?

Ms. Sheri Price: Yes. My understanding is that all of the decisions of the Human Rights Tribunal of Ontario—I can't speak about the commission—are publicly available through CanLII. I don't know exactly what the name stands for, but it's basically an online search engine of

Canadian legal decisions. They are all available there at no cost.

Mr. Michael A. Brown: We are very fortunate in the government caucus to have some very keen individuals who managed to go get one, just to prove that it's readily available. Thank you.

The Chair (Mrs. Julia Munro): Thank you, Mr. Brown. We'll move, then, to Ms. MacLeod.

Ms. Lisa MacLeod: I'm not really sure where that came from, but I will tell you that the link isn't working for the Human Rights Tribunal of Ontario. So if anyone goes to hrto.on.gc, or whatever it is—

Mr. Michael A. Brown: Press the link.

Ms. Lisa MacLeod: —it doesn't work; it takes you to a Roger's site, and it's down. So someone may want to fix that in the government, but I appreciate—

Mr. Michael A. Brown: It's right here, Lisa. We did it.

Ms. Lisa MacLeod: He did it. If I didn't know any better, I would think I was talking to Dora the Explorer.

In any event, you talked about your human rights experience. It's quite fascinating. You've given speeches on topics such as the new human rights system in Ontario and the Human Rights Code Amendment Act, 2006. I'm just wondering if you had any part during the consultation phase of the human rights amendment act.

Ms. Sheri Price: Oh, no, absolutely not.

Ms. Lisa MacLeod: I guess further to that, I just wanted to know what your view is in terms of the previous system and this system.

Ms. Sheri Price: What my view is of the previous system? Well, I think it's well known that there was a backlog of cases under the old system and that there were sometimes long periods of time that passed before human rights complaints could be dealt with. I don't have all the statistics right at my hands, but I think it was well known that Bill 107 was an attempt to ensure more expeditious and efficient handling of the complaints under the Ontario Human Rights Code.

Ms. Lisa MacLeod: Okay, thanks. Some concerns arose during the debate over Bill 107. I was there at the time. In fact, I did not support Bill 107 because some of the changes, I think, were actually hurtful to the system. I'm just going to go back to the time that we were actually debating it in the Legislature, and one from the Toronto Sun; the headline is "Tribunal Changes Hurt Us, Groups Charge." Another from the St. Catharines Standard: "Human Rights 'Modernization' is Actually a Step Backwards."

I'm going to read you a little bit from the "Tribunal Changes" in the Sun that came from Antonella Artuso, our Queen's Park bureau chief here.

"But several groups representing groups such as minorities and people with disabilities have spoken out against the legislation, fearing David and Goliath mismatches at the tribunal.

"Margaret Parsons, executive director of the African Canadian Legal Clinic, called the changes the 'Americanization' of the provincial human rights commission.

"'He has absolutely gutted and taken away our right to a strong human rights enforcement and protection body in this province,' Parsons said."

I assume she's speaking about Mr. McGuinty, or, at the time, it would have been Minister Bryant.

The next article is also telling, I think. This was written by Linda Crabtree from the St. Catharines Standard.

"As it stands now, claims are filed with the Ontario Human Rights Commission (OHRC) and if the claim cannot be resolved, they provide legal representation and it goes to the tribunal. Now, they are saying that you will be responsible for collecting evidence, hiring your own lawyer or presenting your case yourself to the tribunal. Yes, some of us might be eligible for legal aid but it, too, is underfunded. Many simply would give up."

This is where I think it's really important for all of us who are here today, because of this next paragraph:

"As one writer said in a letter to the editor of the Toronto Star, ' ... Under the proposed changes, a sexual discrimination victim could be asked to personally investigate the crime scene, file his or her own police report and then to personally seek prosecution in the criminal court system.' It's the same thing that they are asking of people with disabilities. And, what about people who barely speak English?"

My question to several of the deputants today has been, now that Ontarians will not be able to go to the Human Rights Commission and they will now be expected to go the tribunal, can you answer, will all complainants be guaranteed a lawyer?

Ms. Sheri Price: I'm sorry, but I cannot answer that question. My role as an adjudicator, as a member and vice-chair on the Human Rights Tribunal of Ontario, would be to fairly and impartially decide cases that come before me, but whether or not people will be provided with lawyers or whether everybody will be provided with lawyers, I see those as really political questions that are outside of the scope of my responsibilities and certainly outside of my mandate, and I don't think I can be more helpful on that point. I do want to point out, though, and I am not at all expert on these provisions of the code at this point at all, but I do understand that there has been provision made for the human rights—and I might get the exact name wrong—legal—

1440

Ms. Lisa MacLeod: Defence fund—the human rights legal fund.

Ms. Sheri Price: No, the centre: The new human rights legal resource centre I think is the exact, proper name. My understanding is that the intention, at least, of the Legislature is to have that centre fulfill some of the role that you're referring to, but again, I feel like it's not really within my scope to comment or to have an opinion on what the Legislature seemed fit to do in respect of—

Ms. Lisa MacLeod: Just a couple of quick comments, Chair; I'm going to cede my time to my colleague. The Attorney General at the time could not confirm whether people would be able to have access to a lawyer, and I

think that that begs the question that it's possible that only wealthy complainants will be able to bring forward complaints. I can think of far fewer things more horrendous than sexual discrimination or abuses of that nature in the workplace, and that really bothers me. I think if you are at the tribunal, two things you could fix would maybe be legitimate complaints, to make sure that they are actually able to access the tribunal; and the second thing is to fix the link for the HRTO, because I think that access is fundamental, and it's very important. Despite the fact that you could go through 10 links to get what my colleague opposite says, people really need to go to that one website and be able to get the information that they so desire. My colleague—

The Chair (Mrs. Julia Munro): We have very little time left, so I'd ask you to be brief.

Mr. Randy Hillier: I don't know if we can be brief on this subject; I'll do my utmost. We've seen a significant growth in the Human Rights Tribunal and Commission's role, expanding beyond the original concept of brooding on or addressing tangible cases of discrimination and moving into a greater role. I think the case against Maclean's is an example of that. We're now providing opinions and commentary and receiving complaints because of someone's opinion in the press. I'd like to get your comment. Do you think that the tribunal should expand its role into freedom of speech and expression and ruling on that, or should it remain in those defined categories of discrimination?

Ms. Sheri Price: I think that the Human Rights Tribunal is a creature of statute and it is governed by its statute, and the jurisdiction of the tribunal arises from the statute; it has to interpret and apply the statute. So if appointed as a vice-chair, I would very much see my role as to interpret the provisions of the code itself to cases before me. I don't feel comfortable commenting on what I really see as political issues in terms of what the legislation should or shouldn't say, because I see that my role very much is to fairly and impartially apply the provisions of the code as it's drafted.

The Chair (Mrs. Julia Munro): We'll move on to Ms. Gélinas.

M^me^ France Gélinas: Thanks for coming here. It's a pleasure to meet you. I wanted to ask, first of all, do you have any ability in the French language?

Ms. Sheri Price: I do have some ability in the French language. I speak French somewhat, but I'm certainly not fluent in French, and unfortunately I would not be able to conduct hearings in French.

M^me^ France Gélinas: Or write reports in French either?

Ms. Sheri Price: No. I did study French. French is something that I did study, and I did speak French much better before I came to Ontario. But I've gotten quite a bit rusty and so now I wouldn't be able to conduct hearings or write decisions in French.

M^me^ France Gélinas: Okay. What motivated you to seek this appointment?

Ms. Sheri Price: I think for a lot of lawyers it's sort of a natural progression, after being an advocate for a while, to take the skills that you've built up as an advocate and to apply them in a new context as a neutral adjudicator. I'm also very interested intellectually in the area of human rights law. I find it an intellectually interesting area. I think it's work that is well worth doing, so I was excited to try my hand, to have a bit of a change in my professional life and try something new.

M^me^ France Gélinas: Okay. And this is a full-time position for you that you have applied for.

Ms. Sheri Price: Yes.

M^me^ France Gélinas: Does that mean that you would leave the firm that you're presently with?

Ms. Sheri Price: Yes, that's right.

M^me^ France Gélinas: You would; okay. And have you got any experience as an adjudicator?

Ms. Sheri Price: I don't have any experience as an adjudicator other than I have been practising administrative law since 1996, so for however many years that is. I've got a lot of exposure to the adjudicative process. I've spent a lot of time in hearing rooms. I've spent a lot of time working closely with adjudicators, so I feel very comfortable that I've got a good handle on what makes a good adjudicator and that I can bring those skills forward in this position.

M^me^ France Gélinas: And what is your knowledge of northern Ontario?

Ms. Sheri Price: Actually, as an advocate, I have had a number of clients in northern Ontario. I've regularly been doing cases and advising clients in northern Ontario, in Thunder Bay, Sault Ste. Marie, North Bay, Sudbury. So I do have quite an affinity for northern Ontario.

M^me^ France Gélinas: Would you actually go there to do the work or would they fly down?

Ms. Sheri Price: You know, I'm not too sure about exactly how it's all going to work in—

M^me^ France Gélinas: No, I mean in your previous work, when you worked with people from Sudbury—

Ms. Sheri Price: Oh, in my previous work, I would fly there, of course. It's much more convenient for them to have the lawyer come in, with the witnesses and everybody there. So it's a lot easier for counsel to go in than for them to come to me.

M^me^ France Gélinas: Very good. Those are my questions. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questions and the interview.

Ms. Sheri Price: Thank you very much.

The Chair (Mrs. Julia Munro): Committee, I would just like to direct you that we have another appointee interview. I understand that this individual is in the building, so I would ask that we have a recess but that you not leave because as soon as our next interview is about to begin I'd like to start again. So we'll just recess for three minutes or something like that.

Mr. Michael A. Brown: Could we start with concurrences and—

Ms. Lisa MacLeod: No.

Mr. Michael A. Brown: No? Okay. It would just save some time, that's all.

The Chair (Mrs. Julia Munro): I would prefer to just give a recess for the next three minutes.

Mr. Michael A. Brown: Sure.

The Chair (Mrs. Julia Munro): I assume that's appropriate.

The committee recessed from 1446 to 1451.

DAVID SHANNON

Review of intended appointment, selected by official opposition party: David Shannon, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Mr. David Shannon, welcome to the committee and good afternoon. You have, as I'm sure you're aware, an opportunity, should you wish, to make a few statements, and then we will go in rotation amongst the members for any questions. Whenever you're ready, we're ready to begin.

Mr. David Shannon: Thanks you so much, Madam Chair. First, good afternoon to everyone. It's a beautiful afternoon and I think it's a sign of our collective commitment to human rights, the fact that there's such full attendance on a lovely August afternoon. With that, I wanted to say that I am truly delighted to appear before the committee and to discuss what the Legislature's view of achieving a discrimination-free Ontario is and my wish to contribute to that dream, the dream of a discrimination-free Ontario, as a part-time member of the Human Rights Tribunal of Ontario.

You will note from my resumé and the briefing notes before you that I am a past member of the Ontario Human Rights Tribunal. This was both a wonderful and critically important experience to prepare me for the demanding adjudicative responsibilities that will be before all tribunal members under the new rules of procedure. The lesson that I took away from this experience was that in order for human rights to flourish, they must be founded upon, as the code states, a principle of dignity for all, and the rule of law must be applied strictly. Without equal benefit and application of the law, equality will run the risk of facing limitations to its objective.

That important education for me, however, came by the year 2002, when my term ended, and you may wonder what I have done to continue to build expertise and utilize my skills in the field of human rights. Broadly speaking, during the past six years I have demonstrated successes and progressive skills in both the provincial and the federal human rights fields, administrative law, the Charter of Rights and Freedoms, health and disability law, aboriginal law and civil litigation. I have frequently appeared as legal counsel before the Consent and Capacity Board, many other administrative tribunals and appellate courts.

Some highlights of my work related to human rights and administrative law since 2002 include the following: First, many of you may have noted in my resumé that I was the founding chairperson of the Ontario Accessibility Advisory Committee, and that was pursuant to the Ontarians with Disabilities Act as it then was; of course, today it's the AODA or Accessibility for Ontarians with Disabilities Act. My responsibilities at that time included advising the Minister of Citizenship in the province of Ontario on matters respecting the following: first, implementation of the Ontarians with Disabilities Act and preparation of its regulations; second, programs of public information related to the act; third, accessibility to services and employment for persons with disabilities; fourth, all other policy matters related to the subject matter of the act, as the minister directed.

I wasn't just a one-trick pony, though; I didn't rely exclusively on disability rights. I also worked in the area of aboriginal law for the Aboriginal Justice Directorate, Department of Justice, Canada; the acronym is AJD. There, I advised and negotiated respecting aboriginal-based administration of justice. It was very interesting. It included advising on how to develop aboriginal-based courts and tribunals within a self-government framework. I also monitored developments in Charter of Rights and Freedoms litigation and relevant court decisions that would impact on the work of the AJD.

In May 2006, I attended as legal counsel before the Supreme Court of Canada, where I represented the intervenor, the Canadian Association of Independent Living Centres, in the matter of the Council of Canadians with Disabilities v. VIA Rail. Many of you may know of that case, recently decided by the Supreme Court. It is a seminal case that establishes the right to accessibility and accommodation for persons with a disability in transportation and service provision.

Later, in both August 2005 and August 2006, I contributed and attended at the United Nations respecting meetings of the ad hoc committee that was drafting a convention on the rights of persons with a disability. It was not only the drafting of the convention, but also the creation of a quasi-judicial body under the convention through an optional protocol. The text was adopted by all member states on August 25, 2006. It was signed by Canada in March 2007, after much work. Now, the more than 600 million persons with a disability worldwide stand to benefit from this convention. It's a very interesting and progressive view of human rights legislation. It combines the protection of individual and group rights while creating a framework for positive policy and public perception changes for future generations. I like to think that over the past 20 and more years, the work of those committed to the Ontario Human Rights Code has informed those debates that happened at the United Nations.

In January 2007, my text entitled Six Degrees of Dignity: Disability in an Age of Freedom was published. This book, using both lived experiences and comprehensive research, provides a six-part model for systemic change that achieves equality for persons with a disability and advances policy and legislative changes, driven by human rights and dignity for all. This text is now on reading lists in universities across Canada at both

the undergraduate and graduate levels. While I have a captive audience, if any of you would like to go to Amazon.com, feel free to buy it.

Ms. Lisa MacLeod: Does the link work?

Mr. David Shannon: The link will work—and if it doesn't, please let me know.

Mr. Michael A. Brown: Can we get your autograph?

Mr. David Shannon: Yes.

Also, in addition to my legal work, I've continued to hone my managerial skills over the past couple of years, where I've worked with the Canadian Paraplegic Association in leadership positions.

In the end, as a result of education, personal experience and my body of work throughout my career, I remain passionate for the belief that human rights will be achieved through the application of the rule of law. I remain committed to the belief also that we are equally connected members of the human family.

Thank you, Madam Chair. I welcome questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. MacLeod.

1500

Ms. Lisa MacLeod: Just a couple of quick questions before I cede the floor to my colleague from the official opposition.

Welcome. I'm not sure if it was you that sent this bio around or if my staff came up with it, but it's quite an interesting read. Was it you that sent it to us? No?

Mr. David Shannon: I think they attached a bio. Maybe they forwarded it.

Ms. Lisa MacLeod: It might be it. It does discuss your time in Nova Scotia, which obviously, as somebody who was born and raised there, I was very interested in. There was one thing I was interested in in terms of this job that I do, and it was the fact that you were the provincial riding president in 2001. Are you still the provincial riding president?

Mr. David Shannon: No. In fact, conscious of my work, as of this year I am no longer a member of any political organization.

Ms. Lisa MacLeod: The Office of the Conflict of Interest Commissioner, in their annual report of 2007-08, made a preliminary finding that acting as a president of a riding association is political activity that is not permitted under the act. So I'll just leave that for you. That was one question.

The second one is that, as I've said to many of the deputants, my reason for calling many of the intended appointees for this commission is to understand what kind of philosophical bent we are going to see at the tribunal because of these major changes. I have two quotes and I want your interpretation of them. I want your gut instinct, where you stand on these issues.

Yesterday we had Alan Whyte in, who will be your colleague. I believe he's going to be a vice-chair. He said "that he supports the media's broad freedom to report stories 'as they see fit.'

"'Having said that, if there is some sort of discrimination that comes out in the reporting that is arguably contrary to the code, then I would also feel that it would be open to a complainant to challenge the reporting as being discriminatory on the grounds of race,' said the candidate for vice-chair."

I want to compare that to the Ontario Human Rights commissioner, Barbara Hall, and her decision to, essentially, rebuke Maclean's magazine. But she did exonerate them at the end of the day. She says that the Ontario Human Rights Code "cannot be interpreted to include the content" of print journalism.

I'm wondering, because this has been a very contentious issue across Canada. Despite my colleagues on the other side, it is important to a lot of people in this province that there is freedom of expression. We've seen with Mark Steyn, we've seen with Ezra Levant, we've seen a case with respect to a Toronto TV show, Kenny vs. Spenny, that these are all very important issues that we need to confront. I would like to know, does discrimination trump free speech to you, or does free speech trump discrimination?

Mr. David Shannon: You've almost put me into the position to answer a hypothetical, which puts me in a very difficult position. You also raised a point in terms of conflict of interest. I would like to say that I've contributed to the previous government in the late nineties, I've contributed work and policy ideas to all three political parties in the province of Ontario, and also, at the federal level, have provided information with respect to position papers. I've always found that work collegial and beneficial, and I feel very comfortable in an apolitical position working with anyone.

You're driving at a question of principle, and that is that tug of war between individual liberties versus group rights. As much as it's trumping—and I like to look at it in more the manner that the Supreme Court of Canada does, where they try to balance rights. We have to find an environment in which all minority or disadvantaged groups trust and feel comfortable as Canadians and as Ontarians in participating in their community. Therefore, when we cross the line into hate literature, we cross the line. However, I do believe, as the charter is very clear, that there is a right to freedom of speech. That is the perspective that I hold paramount: freedom of speech. So if you're talking about hate literature, which will demean and oppress—

Ms. Lisa MacLeod: There are Canadian laws for that. I'm talking solely with respect to the code that you are about to adjudicate upon once you become a member of this tribunal. I think that's where many of us understand that there are federal laws that govern hate literature. I know my colleague will probably question you about that. The entire human rights complaint process with respect to Maclean's I think left a bad taste in a lot of people's mouths. I think that it's a difficult question, no doubt about it, and you're right, it is a tug of war between two different sets of rights, group rights and individual rights, but I think we have to be very cautious that we do not eliminate freedom of expression and freedom of speech in this province.

Mr. David Shannon: I agree with you.

Ms. Lisa MacLeod: Thank you for that.

Mr. Randy Hillier: Thank you very much for being here. I'm going to take a little bit of a different tack, because you did mention collective rights and individual liberties. Of course, we know that any collective is made up of individuals; I'm sure you would agree with that statement. If you diminish the rights of an individual within that group, then of course you must also diminish the rights of the collective. Would that be a fair statement and deductive?

Mr. David Shannon: Broadly speaking. I like to think of what the United Nations Covenant on Economic, Social and Cultural Rights and the United Nations Covenant on Civil and Political Rights each state in article 1. They find that both individual and group rights are inextricably linked. I like to view it more in that fashion.

Mr. Randy Hillier: I want to move on to something else here that has caused me some concern with the whole human rights process, not just the tribunal or commission, but the whole concept and process. Recently there was a fellow who was identified, named Richard Warman—this was at the federal level—who himself represents over 50% of all complainants to the federal human rights tribunal in the category of hate and racism, or hate messaging. Clearly in this case we're seeing the process of human rights being manipulated for a political agenda by this individual. I'm wondering, do you think there should be some checks and balances incorporated in the human rights tribunal to ensure that it does not become a podium for advocacy, or political advocacy, or an agenda by certain individuals?

Mr. David Shannon: I'm conscious not to answer a hypothetical. However, as I said in my opening statement, rule of law must be strictly applied with respect to human rights or any other area of law, in particular the principle that there cannot be matters which are frivolous, vexatious or capricious allowed into those procedures.

The Chair (Mrs. Julia Munro): Thank you very much. We must move on. Ms. Gélinas.

M^me^ France Gélinas: Thank you, and it's a pleasure to meet you, Mr. Shannon. I thank you for coming down. I do the trip from northern Ontario to Toronto and I know how much fun it can be.

The first one is a quick one: Do you have any French-language skills?

Mr. David Shannon: I apologize; I have some basic understanding. I do not speak French.

M^me^ France Gélinas: You don't have to apologize; that's fine.

My next question is, I see that you are presently employed. Is this a change of employment for you or do you intend to keep both a part-time job with the tribunal and the work that you do now?

Mr. David Shannon: That's a good question. Right now, I am enjoying what I'm doing. It would be a great joy to be a full-time member. As a part-time member—and that's what I'm here to speak to today—that is my current goal.

Also, as you rightly noted, my residence is in Thunder Bay. I literally haven't discussed the thought of moving out of Thunder Bay and if it would be necessary to move to Toronto. It's difficult to answer. It's open-ended. You do appreciate that drive.

1510

M^me^ France Gélinas: Yes, absolutely.

Mr. David Shannon: It's nice while it's summer.

M^me^ France Gélinas: Let's quit while we're ahead.

I've lost count, unfortunately, but we've had close to 10 members of the tribunal come in the last two days, and you are the first one from northern Ontario. So I certainly hope that you can bring a northern Ontario perspective to the tribunal as well as remain in northern Ontario while doing the part-time work. I have no idea how this works, but it's more of a wish for you than anything else.

You have spoken about your link with the First Nations. I would be interested in knowing a little bit more about your knowledge of the First Nations, mainly of northern Ontario.

Mr. David Shannon: My work in Ottawa with the federal government, working with self-governance, especially with respect to administration of justice—so I did have the pleasure of having a very substantial introduction and work in the area of treaties and aboriginal rights. Also, as a past lecturer with Negahneewin College, which as you may know is a college at Confederation College in Lakehead University, where I taught aboriginal advocacy, European human rights—almost all of my students were aboriginal, and it was to be taught from an aboriginal perspective. Also, I did teach aboriginal law at Lakehead University.

I'm currently on the advisory committee of the Lakehead University medical ethics committee, where we work closely with more than 50 First Nations health care providers and organizations. In Thunder Bay, it's as much an academic pursuit, a career pursuit—also, where over 30%, I believe, of the population now are First Nations, it's simply a part of the community.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: I also want to reiterate Ms. Gélinas's thanks for making the long trip. We certainly appreciate your being here today. I want to commend you on the work that you have done for persons with disabilities. Your resumé is certainly very extensive in that area.

The Chair (Mrs. Julia Munro): That concludes questions from the committee. I want, on behalf of the committee, to thank you very much for being here today and certainly giving us further insight into your expertise and your concerns about the tribunal.

Mr. David Shannon: It was a pleasure. Thank you.

The Chair (Mrs. Julia Munro): For committee members, we have concurrences as the final part of our agenda. I would ask you, then, to look back to this morning—

Ms. Lisa MacLeod: We would like to see a deferral of all the intended appointees until tomorrow morning.

The Chair (Mrs. Julia Munro): All right. We have a deferral.

Mr. Michael A. Brown: Can we do those one at a time? Don't we at least get to speak about those even if we're going to defer the vote?

The Chair (Mrs. Julia Munro): We can defer both debate and vote, or—

Ms. Lisa MacLeod: I respectfully request that we defer both until tomorrow morning.

The Chair (Mrs. Julia Munro): I have to remind you it's not a debatable option, but—

Mr. Michael A. Brown: But that part of it is, or is it?

The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: This has nothing to do with good rules of conduct or anything, but my granddaughter is being born as we speak, and I'm going to be heading back to northern Ontario, so I won't be there tomorrow for the vote. I'm having a really tough time finding somebody to fill in for me tomorrow. I realize that the official opposition has the right to ask the motion and to do this. I just wanted them to know this. I would prefer that we vote today, but I understand that it is their right that we vote tomorrow.

1515

Mr. Michael A. Brown: We would prefer to do this today to accommodate Madame Gélinas, being a recent grandfather myself.

The Chair (Mrs. Julia Munro): I just have to remind you that is not a debatable request.

Mr. Michael A. Brown: We were just hoping that—

The Chair (Mrs. Julia Munro): I understand that. It is deferred, then, until tomorrow.

Mr. Randy Hillier: Before we adjourn, I'd like to just make a comment. I want to thank our colleagues opposite for identifying themselves as the missing link that we've been—

Mr. Michael A. Brown: We found the missing link for you there, Randy.

There was some impression earlier on, just for some clarification, that all three political parties supported the Endangered Species Act.

Mr. Randy Hillier: I was not a member of—

Mr. Michael A. Brown: Well, all three parties, when the act was voted on, supported it. The act only came into force in June, so any speaking about what happened before was the previous act, not this one.

Mr. Randy Hillier: Different act, same name.

The Chair (Mrs. Julia Munro): The committee stands adjourned until 9 a.m.

The committee adjourned at 1516.

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Journal des débats (Hansard)

Mercredi 20 août 2008

Standing Committee on Government Agencies

Intended appointments

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 20 August 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 20 août 2008

The committee met at 0900 in room 151.

INTENDED APPOINTMENTS

The Chair (Mrs. Julia Munro): Good morning, everyone. Welcome to the Standing Committee on Government Agencies. Our first order of business is deferred votes, so we will begin with those.

Ms. Lisa MacLeod: Madam Chair, may I request that we follow the voting procedure that we did yesterday, in the blocks? We'll probably use our 20-minute discussion after each—

Interjection.

The Chair (Mrs. Julia Munro): Yes?

Mrs. Maria Van Bommel: Yesterday, in hindsight, I looked at it, and I think that my colleague Mike Brown was very clear in saying that this is really about the individuals. I think it's absolutely appropriate that we recognize and respect those individuals, that we don't just lump them in. We proceeded to do individuals, plus we had the bundling. We need to respect these individuals. They make trips here. They have a right to be heard and they have a right to be dealt with as individuals and not as just some kind of process.

Ms. Lisa MacLeod: I appreciate where my colleague opposite is coming from on this. Having said that, we had requested early on in the process to bring forward all of the intended appointees for the brand new tribunal process within the human rights system. I acquiesced when requested to drop some of the names so that we could do this more expediently. Having said that, this is a major issue. The Human Rights Tribunal process and the human rights system in this province need to be brought to bear among the residents of Ontario. They need to understand what types of individuals they will be represented by on this tribunal.

The Liberals chose not to bring forward all of these committee members because it was a procedural issue. I acquiesced so that we could get as many people in as possible. I believe I was told that if I did not eliminate some of the names in the Human Rights Tribunal process, I wasn't going to have an opportunity to question any of the intended appointees.

So here we are today. I'm asking simply that—

Mrs. Maria Van Bommel: Who told you that?

Ms. Lisa MacLeod: I was informed by my staff, from the Chair and from the clerk that that was a possibility.

Mrs. Maria Van Bommel: It certainly didn't come from us.

Ms. Lisa MacLeod: It certainly was something that I was informed of, and that is why we dropped the—

Interjections.

The Chair (Mrs. Julia Munro): Excuse me; I would like to deal with this in what I consider to be the fairest and most expedient manner. I would ask that we not do the concurrences at the beginning of the meeting. We have people who have come, in some cases, from some distance to participate this morning. They were asked to come at 9 o'clock and times thereafter.

We will change the order and have concurrences at the end of our session, when the considerations around concurrences can have a more fulsome conversation without interfering with our intended appointees and their schedules. For that reason, I am moving now to appointment reviews.

NAOMI OVEREND

Review of intended appointment, selected by official opposition party: Naomi Overend, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): I would ask for Naomi Overend, the intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

Good morning, Ms. Overend. Welcome to the committee. I just want you to know that you have the opportunity, as you see fit, to make some statements. Then we will rotate with questions. If you're ready, we're ready.

Ms. Naomi Overend: Thank you, Madam Chair. I just want to make sure I can be heard. Can everybody hear me?

The Chair (Mrs. Julia Munro): Yes, that's fine.

Ms. Naomi Overend: I understand that you have the application for this position before you and you have my experience written down on my resumé. Rather than starting with that, I thought I would start with the experience that I've had prior to my resumé, and that was that I was a legislative intern in 1980-81. I worked for both a government member and an opposition member at the time, so I'm used to this process.

I had, at the time I was an intern, a career direction that had nothing to do with human rights. Despite the fact that I had, by that point, had my accident and joined the

ranks of disabled persons, I was more interested in environmental issues. But it happened to be that the year I was here at the Legislature was the year leading up to the International Year of Disabled Persons. That changed my career course and the direction of pretty well the rest of my career.

Following my time at the Legislature—that ended in 1981—I worked on some projects. Most notably, I worked on booklets advising individuals from various disability groups on what their rights were. I note parenthetically that, at the time I was writing this, disability was not an enumerated ground under the Human Rights Code.

Following that, I went to law school and articled. That was four years of my life that passed, and I didn't work on any particular human rights issues until, following my articling year, I decided that, rather than doing my bar admission course, I would work. I worked for the employment equity for women program, so again, another rights-based program.

One of the things we were trying to do at the employment equity for women program was get more women crown attorneys. That was my next career direction: to be a crown. I temporarily moved into the criminal law field. However, very shortly after I started doing that, I was invited to apply for a job at the Human Rights Commission. That was the next 14 years of my life. I think it's that experience that probably most interests you and most makes me suitable for this current position.

During my time as a counsel to the Ontario Human Rights Commission, I had two major functions. One was to advocate before what was then the board of inquiry and what became the tribunal. In that role, I had more of an advocacy position. The other job that I had was working with the investigations branch and the commission itself to determine whether matters would proceed to a tribunal. In that gate keeping function, I had to act in more of a neutral fashion, more in the kind of role that I will be performing if I am accepted to be vice-chair of the Human Rights Tribunal. I was asked to provide advice and assist the commission and assist investigations on such things as jurisdiction and sufficiency of evidence. So I'm used to that role.

I have, for the last five and a half years, been a discipline counsel with the Law Society of Upper Canada. There have been some human rights issues that have arisen in the job, because discipline matters can involve matters of discrimination and harassment. But largely I have been outside the human rights field for the last five and a half years. The advantage is that it's given me some distance from the commission. Because the commission can be a party before the tribunal, I think it's a good thing to have some distance. The other thing is that it has exposed me to yet another administrative tribunal and yet another set of procedures and an evidentiary regime that's somewhat different. Also, I have a much broader sense of administrative law, having now worked extensively in two tribunals.

I would note that I haven't just worked at tribunals; I have done judicial reviews, I have done appeals, and I have gone all the way to the Supreme Court of Canada. I've been involved in some fairly significant cases while at the Human Rights Commission.

That's my opening statement.

0910

The Chair (Mrs. Julia Munro): Thank you very much. We will commence questioning today with the third party.

Mr. Michael Prue: I have absolutely no questions.

The Chair (Mrs. Julia Munro): All right. We'll move to the government.

Mrs. Maria Van Bommel: Thank you very much for coming in. I have no questions either.

The Chair (Mrs. Julia Munro): Ms. MacLeod?

Ms. Lisa MacLeod: Welcome, Ms. Overend. I appreciate your dissertation here today. I also want to thank you for all the work that you've been doing in the community.

During the discussions on Bill 107, there were serious concerns brought up by the third party but also within the official opposition with respect to the reformations happening within the Human Rights Tribunal and the human rights system in Ontario and how it would impact those with disabilities. I want to read a letter from the Toronto Star from March 21, 2006:

"Reform to Rights Agency Opposed

"March 17

"The Dalton McGuinty government plans to replace the current human rights system with one that will require more hearings and more lawyers.

"People with disabilities—some of the very people the system is supposed to protect—oppose the plan and are speaking out. It seems the only people supporting the plan are human rights lawyers. Hardly surprising, considering the new system will expand their role enormously.

"The Liberals need to ask themselves who really stands to benefit from their new human rights system. If they do, I think they will see that it's not the people who should be. The government should abandon its proposed changes and focus on making the existing system work better."

This was echoed several times in various articles throughout the province during the hearings on Bill 107. There were serious concerns. I remember sitting on the floor of the Legislature and looking at the gallery where there were a number of people coming because they were so concerned.

This is a question I've asked several previous people. In the context of what I've just read, individuals can now bring their complaints directly to the tribunal. The new system has been criticized, as I've just read, on the basis that only wealthy complainants will be able to bring forward human rights matters. The Attorney General countered with the new legal support centre, and it will provide complainants with any legal assistance they require, but we are still unsure if complainants will be guaranteed a lawyer. In your opinion, will all complainants be guaranteed a lawyer?

Ms. Naomi Overend: I actually don't know the answer to that question. It's really outside my purview as a member of the tribunal to answer that in any event.

Ms. Lisa MacLeod: Okay. I have another question. New section 46.1(1)2 enables a court to order monetary compensation for injury to dignity, feelings and self-respect where a finding is made under part I of the act and where it has been infringed. I guess when I look at feelings—I'd like to know your thoughts on awarding monetary compensation for injury to feelings.

Ms. Naomi Overend: When I was the counsel for the commission, there were damages that were given for both aggravated and punitive damages, and I think to some extent the code probably is just putting that down as something under which damages can be granted. I think that it is not a novel proposition, but in any event, without context, without facts, without a legal argument, I'm not sure that I can comment any further on that.

Ms. Lisa MacLeod: How would you qualify, just out of curiosity, hurt feelings? How would you qualify that in court?

Ms. Naomi Overend: I'm not going to be advocating before the tribunal, so I'm not sure I'm in the best position to be answering that question, but I think that certainly in the history of litigation, people get compensated for emotional distress, and there's a long history of that.

Ms. Lisa MacLeod: Okay. That leads me to my next question, and I've asked this of several people, so if the Liberals have been briefing their intended appointees, I'm sure you've heard of it. In your opinion, what is the difference between offensive conduct and discriminatory conduct, and do you think that the commission should oppose offensive conduct?

Ms. Naomi Overend: Actually, this wasn't part of the briefing, but I did review the Hansard for Monday, so I know that the question has been asked and I've had the advantage of thinking about this. I think that discriminatory conduct is a subset of offensive conduct, and it's only discriminatory conduct that is within the jurisdiction of the Human Rights Tribunal.

Ms. Lisa MacLeod: Which is the code itself.

Ms. Naomi Overend: The code itself, yes. If it's a matter within the code, then it's a matter within the tribunal. If it's offensive conduct as in, "I don't like your dog," then it's not something that would be before the tribunal.

Ms. Lisa MacLeod: Or, "I don't like people with red hair and freckles who are Conservative." That would just be offensive.

Ms. Naomi Overend: For instance, yes.

Ms. Lisa MacLeod: Or Michael Prue.

Ms. Naomi Overend: Since none of those are enumerated grounds.

Interjection.

Ms. Lisa MacLeod: I can dance; he knows that.

Here's another one I've asked, but I haven't asked it too many times of others. It is important, because as you know, my biggest concern isn't about the individual; it's about the individuals collectively sitting on this tribunal and the major overriding philosophies that each brings to the tribunal itself, and what this new body is going to look like, not only in three months from now but in six years from now. That concerns me. I want to know as an Ontarian, and I think other people want to know as Ontarians, what this body will look like in terms of where it will come down on the major issues of the day.

I would like to know: What is the standard of proof that a complainant should meet to have a complaint upheld? I've asked other folks. Is it beyond a reasonable doubt, the balance of probabilities or some other standard?

Ms. Naomi Overend: It is the balance of probabilities and has been for many, many years. The standard of proof that's used in a disciplinary hearing is higher than that, but that has always been the standard proof.

Ms. Lisa MacLeod: And if a false complaint is brought forward and the false complaint sees an individual acquitted, are they entitled to some or all of their legal costs when they're acquitted, in your opinion?

Ms. Naomi Overend: I'm not sure that—this is one of those things where you really want to know the facts. There are extraordinary situations where you may want to order costs. Now that I'm thinking about it, I can't remember where there are provisions for allowing for costs in the new regime for respondents. But, and I say this from both my previous experience at the commission where costs were occasionally ordered against the commission and also costs awarded against the law society, you would only want to do it in extraordinary circumstances because you do not want to have a chilling effect on potential complainants.

Ms. Lisa MacLeod: The commission, under the new system, will be dealing with education and advocacy issues and will also be investigating systemic discrimination issues. If, as proposed, all individual discrimination issues come directly—and they will, now—to the tribunal, how would the commission ever be able to determine what systemic discrimination is and if it exists?

Ms. Naomi Overend: I'm not sure that my role as a tribunal member would necessarily have any influence on that. I understand that matters can be referred from the tribunal to the commission. The commission may, in its course of public education, come to know about a systemic issue. For instance, back in my day they were concerned about lack of access at eating establishments, so there was a systemic complaint there. Those may come to their attention. I'm not really sure how they are going to do that in the new regime.

Ms. Lisa MacLeod: Just one final question. I have a news story in front of me from a journalist from the National Post. You may have read it yesterday. It juxtaposes two comments, one from the vice-chair of this tribunal, Alan Whyte—and he will be, because he'll get the votes—and the other from Barbara Hall. I'd just like to know your opinion on this.

"Alan Whyte, a veteran employer-side labour lawyer, told an all-party panel vetting the two dozen government

nominees that he supports the media's broad freedom to report stories 'as they see fit.'

"'Having said that, if there is some sort of discrimination that comes out in the reporting that is arguably contrary to the code, then I would also feel that it would be open to a complainant to challenge the reporting as being discriminatory on the grounds of race,' said the candidate for vice-chair.

"His statement seems to contradict a high-profile clarification by Barbara Hall, Chief Commissioner of the Ontario Human Rights Commission, in the case of an Islamophobia complaint against Maclean's magazine, that the Ontario Human Rights Code 'cannot be interpreted to include the content' of print journalism."

I'm just wondering, does discrimination trump the free press or does the free press trump discrimination?

0920

Ms. Naomi Overend: Do you know what? I really wouldn't want to offer an opinion on that because an individual may bring a case before me, and I wouldn't want to be said to have prejudged that—and in fact I haven't prejudged that issue. It's one of those things that you really need to have full evidence and full argument on before you determine something like that.

Ms. Lisa MacLeod: I've brought folks before this committee for the very reason of seeing where they stand philosophically on this and what their inclination would be. To say, "It depends," is interesting. I think it's important, but it's also a very real issue that you are going to be confronted with.

I have no further questions.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes this interview. We appreciate you coming.

GISÈLE GUÉNARD

Review of intended appointment, selected by third party: Gisèle Guénard, intended appointee as vice-chair, North East Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our second interview today is with Gisèle Guénard, the intended appointee as vice-chair, North East Local Health Integration Network..

Good morning, and welcome to the committee. As you may have observed, you have an opportunity to make any comments that you wish. Then we will have questions from the committee members. If you're ready, you may begin.

Ms. Gisèle Guénard: Bonjour à tous. Hello, everyone. Thank you for the opportunity to meet with you and to share my reasons for accepting the nomination for the position of vice-chair of the North East Local Health Integration Network. Permit me to respectfully share with you that, should I not be chosen to fill the role of vice-chair, rest assured that there are eight other highly qualified and dedicated individuals on our board, several of whom would rise to the occasion in the service of their communities as required. I would support the choice of our governance committee and the standing committee as required in that decision. Your interest is much appreciated, and I look forward to answering your questions as best I can.

I joined the North East LHIN as a new member awaiting the official order in council in January of this year. I had recently retired from the position of CEO of the Espanola General Hospital and was approached by our current chair, Mrs. Mathilde Gravelle Bazinet, who was exploring whether or not I would be interested in a position as a member on the board of the North East LHIN largely because of my background and success in integration initiatives. I gave this a lot of thought and decided to put forward my application. After a public recruitment campaign in area newspapers and a panel interview, I was selected unanimously from among the finalists by the governance committee and, as I said, have been a member now for approximately eight months.

In May, Mrs. Gravelle Bazinet approached me once again, this time about the position of vice-chair, as Mr. Vaudry, acting in the position since January, was stepping down and the vacancy was to occur immediately. Once again I gave this a lot of thought, knowing that it required even more commitment. I decided to accept based on my deep respect for and belief in the mission that the North East LHIN is charged with. On May 30, at a meeting of the board, I was selected unanimously by the governance committee.

As you've seen from my resumé, I have a lifetime of experience in the health care sector that ranges from direct patient care as a registered nurse to management, coordination work, service as a professor in the academic sector, public health and executive leadership. I am well versed in change initiatives and have been involved with many along the way, several of which are highlighted in my resumé. Most recently, you will have seen my spearheading of one of Ontario's first, most integrated and most successful family health teams. In fact, the Espanola and area family health team and I in my former role are featured on the ministry's new family health team promotional video.

Primary care reform, with the family health team initiative as the flagship, is a massive change. The creation of any brand new organization from the ground up faces constant challenges. We created not only an effective primary care system for Espanola and area; we also integrated it with the community's hospital, the supportive living units, the long-term-care facility, seniors' apartments and the CCAC, all under one roof. This is now seen as an ideal model for small communities.

In my guiding of the strategic plan for this project and my input to the development of the family health team's governance structure, I ensured an evidence-based disease management program approach with the patient at the centre of all activity, and accountability built in through the operational plan, recruitment and training of the executive director. This created an immediate and significant access to care and health information for

hundreds of patients, many of them orphans. An example of this is that the first two nurse practitioners working in the family health team were immediately providing care through over 1,000 patient visits, mostly to orphan patients, in one quarter. These are all visits that would have occurred in the hospital's emergency department.

Some of the other transformation initiatives I've been involved in leading throughout my career included major changes to nursing curriculums, the construction and opening of a 32-bed long-term-care wing, the implementation of PACS on the north shore, the correcting of a long-standing ALC dilemma in our small hospital, the opening of new programs, the implementation of learning organization strategy in public health, the launch of a cardiac rehab program, and the repatriation of a diabetic program for our community—all told, creating thousands of new point of access to care opportunities for the patients of our community. I found that bringing stakeholders to the table and getting buy-in for the vision were the major drivers of success for all these initiatives.

I know from experience that continuous quality improvement and true change or transformation only occurs with a real shift in how we think, what we say and what we actually do. This is a very exciting time in health care for Ontario. Regardless of what we do at this time, the reality of health care in North America will be vastly different 10, 20 and 30 years from now than what we see today. The inception of the LHINs is the launch of the most powerful change agent to have been put in place since the idea of public health care for all gained acceptance. We are charged, as board members on the LHINs, to work with our communities to transform the health care system, in partnership with the ministry and all stakeholders from the grassroots up.

I was born and raised in the north. Je suis bilingue, d'origine francophone. I am fluently bilingual, from a francophone background. I have served at the bedside, as a nursing professor, as an administrator, as a public health agent, in acute care, in long-term care, and overseen supportive housing for the elderly. I have worked on surgical units, medical units, oncology patients, cardiac patients and people living in remote areas of the northeast with very little direct access to health care, as well as with the urban health care setting. I've had success with financial oversight of an integrated health facility, and have been responsible for strategic planning, infrastructure, IT and capital projects in health care.

The catchment area of the North East LHIN holds the daunting challenge of a diverse and vast area, stretching from Toronto's cottage country to the edge of the great white north, where many of our province's First Nations people struggle with complex realities vastly opposite to the daily luxuries you and I enjoy. We have 26 hospitals and over hundreds of disconnected health care agencies, all of which will require accountability agreements negotiation.

Yet, since our debut year of 2007-08, the North East LHIN has succeeded in establishing seven planning areas, the health professionals advisory committee, and bringing together thousands of our residents at summits, meetings and focus groups from Moosonee to Parry Sound. We explored ideas and possible solutions on aging at home, aboriginal issues, mental health, francophone services, ALC and many other concerns. Our first 25 funded aging-at-home new programs are launched as an example of grassroots positive change and transformation.

We have seven priorities: aboriginal/First Nations/Metis health services; chronic disease prevention and management; information and communication technology/information management; French-language health services; health human resources needs; primary care reform; and reduced wait times.

I would not have accepted to stand as vice-chair had I not seen firsthand the level of qualifications of our staff and board. These people are the epitome of dedication and deeply committed to improving the health care system. The staff and board of the North East LHIN are working together towards a common vision, one goal: health and wellness for all. It is a lofty vision; however, we have to stretch a little to create real, sustainable, positive change.

I have the qualifications listed in section 4 of the North East LHIN's bylaw number 1. I am a regulated health professional and have served on many committees and participated in and led many change initiatives. As vice-chair, I understand the responsibility and duties of the office, and though I am new to such a position, I am a quick study, and am well known as a team player with leadership abilities. I will collaborate with my board members and with the staff as appropriate, in order for us to work as one cohesive team moving towards one vision.

0930

Not only do I believe in integration of health care systems at all levels, but I have seen it work. I have been a change agent to expand existing integrated health care systems. I have seen the positive impact of several agencies and levels of care working together in a community with one goal in mind: the well-being of the patient. I have worked closely with physicians, health care aides, and community members trying to make a difference for health care, board members, students, consultants and change agents. No one person and no one group can totally and single-handedly solve and meet the challenges at hand. However, I am willing to serve as requested, and I know that I have a basket of skills and experience that can contribute to the board of the North East LHIN and to the position of vice-chair in the current environment. Merci. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We will begin questions with the government. Mr. Lalonde.

M. Jean-Marc Lalonde: Merci beaucoup de votre présentation; c'est grandement apprécié. Votre expérience démontre vraiment que c'est le genre de personne dont nous avons besoin dans ce nouveau système qui est implanté depuis quelques années.

I'm looking at your background, the involvement that you had in the health care sector. It will definitely be a great asset for the North East Local Health Integration Network. So I want to congratulate you for all the good work that you've been doing and I hope that you will continue looking after the improvement there needs to be in some areas of the health care sector.

Merci beaucoup d'être venue et puis vous pouvez être assurée que nous allons appuyer votre demande.

M^me^ Gisèle Guénard: C'est moi qui vous remercie. Thank you.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Merci, madame Guénard. I appreciate your coming before us today. I only have one quick question for you, and it's with respect to pediatric care in your part of the province. We have some severe challenges in eastern Ontario; we tend to be on the last of all the lists in terms of wait times. I'm just wondering what the level of pediatric care is in your region and if there are certain restraints that you have with respect to providing effective and accessible care to the children in your region.

Ms. Gisèle Guénard: A very interesting question. As you may see from my resumé, my background is not specifically in pediatrics. However, I do know that there is a tendency to have easily accessible pediatric beds in our city and, conversely, when it comes to more critical care issues, children are frequently transported to other areas. So it is an issue in our area as well. We will be looking at that, and I know mental health beds for children is an issue as well, and we're looking at where those should best be placed. So it seems to me, and I would need to research it more, that it is a common issue. Because pediatrics is such a small—by the numbers—component of the health care system, it's difficult to create centres of excellence everywhere. So, frequently, for a lot of communities this transportation issue becomes a reality and it's so difficult for families. I will be exploring—

Ms. Lisa MacLeod: How are you transporting the children? Is it mainly, if it's an emergency, by air, and to Toronto here, or is it—

Ms. Gisèle Guénard: Air ambulance. CritiCall is the system used, as it is throughout the province, and the actual transport is very efficient.

Ms. Lisa MacLeod: And do they come to Toronto to Sick Kids, or is it—

Ms. Gisèle Guénard: It could be Toronto; it could be Ottawa.

Ms. Lisa MacLeod: Oh, really?

Ms. Gisèle Guénard: Yes.

Ms. Lisa MacLeod: So they could be going to CHEO, depending on what the illness is.

Ms. Gisèle Guénard: Yes, exactly, and where there is a bed, because the CritiCall system functions in that manner. If there is a bed only available six hours from now in Sick Kids but there is a similar bed at CHEO, then it's going to CHEO.

Ms. Lisa MacLeod: How long does it take for the kids to actually get from Sudbury to CHEO or from Sudbury to Sick Kids? Do you know what that commute would be like?

Ms. Gisèle Guénard: It can be as little as a couple of hours. I'd have to verify the actual flight plan time frame, but it's very fast.

Ms. Lisa MacLeod: So it's quick.

Ms. Gisèle Guénard: Yes.

Ms. Lisa MacLeod: Okay. So you have no complaints with that process.

Ms. Gisèle Guénard: No, we have not heard any complaints pertaining to that.

Ms. Lisa MacLeod: Great.

You talked a little bit about the mental health beds, and I only have one question, but your answer was interesting. In terms of the mental health beds, where are they placed right now? In the general hospitals?

Ms. Gisèle Guénard: Yes, exactly. There are some mental health beds within the actual North East mental health care system as well, and there is some discussion now as to where the beds should best be located—North Bay, Sudbury. We're exploring all of that. Both are fairly large centres, so we—

Ms. Lisa MacLeod: So is it possible to have a 12-year-old boy in the same ward, then, as an older man?

Ms. Gisèle Guénard: Not really, no. In the smaller hospitals, occasionally a pediatric patient is on a medical unit with adults, but it's very temporary and they are transferred to a larger centre as soon as possible. So it's all a matter of bed availability. But generally speaking, pediatric beds are available or a transfer is imminent; it's quickly done.

The Chair (Mrs. Julia Munro): Mr. Prue.

Mr. Michael Prue: Thank you very much, Madam Chair. Before I ask any questions or make any comments, I wonder if you would clarify, because I do believe the agenda is in error. When I saw the agenda yesterday, I was curious as to why a person from northeastern Ontario wanted to be selected as the intended employee to the North West Local Health Integration Network. That's what's on the agenda. When I looked at all the documentation and heard the deputant here today, it appears that that is not the case. Can you clarify for the record that the agenda is in error?

I guess you didn't listen to a word I said.

The Chair (Mrs. Julia Munro): I'm sorry.

Mr. Michael Prue: The agenda quite clearly says that the intended appointment is for the North West LHIN.

The Chair (Mrs. Julia Munro): The one I'm working from does say "North East."

Mr. Michael Prue: I just want the record to be absolutely clear, because if the agenda says we're choosing one thing, and we're doing something else—

The Chair (Mrs. Julia Munro): I appreciate that, and I apologize, but the one that I'm working from does say "North East." Certainly, by your raising it, we ensure that it's in Hansard as it should be.

Mr. Michael Prue: Thank you.

The second thing I'd like to preface my comments with is the fact that I'm here today, I must admit, coming

here a little unprepared, but I got the call last night that Madame Gélinas had to return to Sudbury for the birth of her grandchild, and therefore here I am. So I will do my best.

I see in this particular case that this intended appointee was held down by the New Democratic Party. I don't know what the rationale was, because I've looked at the resumé and what you had to say here today. Let me phrase this delicately. This is a geographically large community, but it is fairly small in scope, and Madame Gélinas works in the same field. Your paths must have crossed over the years.

Ms. Gisèle Guénard: Yes, we have met on a couple of occasions.

Mr. Michael Prue: I'm just trying to think of why this might have been held. Was there some political—

Ms. Gisèle Guénard: I have the same question. I don't know. I'll ask her next time I see her.

Mr. Michael Prue: The hospital boards in northern Ontario particularly, although it is not unique to northern Ontario, have had problems balancing the budget, I think, in part due to the great distances that people have to be moved, in part due to the smaller size of some of the hospitals. How would you, as a new appointee, go about making sure that these budgets are balanced? Do we need to put more stringent control on the hospitals, or in the alternative, do they simply need more money?

Ms. Gisèle Guénard: That is certainly a topic of discussion at, I think, every board meeting that I have attended to date. All the hospitals, as you know, must balance the budget or present a plan to balance the budget as per the legislation. Things are going in the right direction, there's no question in my mind. Where we see that hospitals are coming forth, in the first instance, with an agreement that looks like they won't be able to balance, once our staff starts working with them, new ideas emerge and a balancing budget is put forward generally. So it is going very well. We're very fortunate in that the staff we have in the offices of the LHIN who work the agreements with the hospital are from that sector. They are finance people from that sector, so they know a lot of the things that have worked in other hospitals and, without revealing where information comes from, they're able able to suggest ideas to other hospitals that didn't know about it in the first place.

0940

So I think over time this transfer of information is going to occur. I'm not saying that some hospitals may not need more money at some point. I don't know, budget by budget, which hospitals those may be, and we'll have to explore that year by year. For now, things are going in the right direction, and we have signed agreements with all but one hospital.

Mr. Michael Prue: My second question would relate to the First Nations population. There's a fairly large First Nations population, predominantly, although not exclusively, in isolated areas: places with no roads, places with little communication. They are hugely underrepresented in terms of the census, because I think they don't participate. My travels to some of these locations show neglect, I don't know what else to say, from the federal government, Department of Indian Affairs and Northern Development. I despair at seeing the hospitals that are run federally and wonder what your view is about Ontario providing the same level of service to First Nations as we provide to everyone else.

Ms. Gisèle Guénard: I'm sharing those concerns, and what I'm seeing is really an excellent approach. As I said, I joined the board in January. In February, here we were in Moosonee, Moose Factory for a board meeting. So, because we have created seven planning areas—we don't just see that as a paper exercise. We actually hold our board meetings in those planning areas. So we go onsite. We've been to Moosonee, Moose Factory already once this year; we have a board member from that area. What we're seeing at all of our focus groups and community engagement initiatives is excellent participation from the First Nations sector. Their ideas are really coming forward and some of them are applying, for example, for some funded programs in the aging at home strategy, and it's going very well. I think this is an opportunity to actually make a difference, because they can be part of the whole change and transformation as we move forward. The board member who is with us, and of course he would speak for himself, is able to bring us excellent data and information that helps us make decisions. I think this is going to help the situation tremendously.

Mr. Michael Prue: I just want to make sure that you, as vice-chair, would support the LHIN actively going in to First Nations and providing service even though—and I understand there's a bit of a jurisdictional issue here—that may cause a few raised hackles or whatever in Ottawa.

Ms. Gisèle Guénard: All I can say at this time is that we're already in discussions with the federal and provincially based health sectors in our First Nations communities and we're already involved with improvement and integration initiatives with them. They're at the table with us.

The Chair (Mrs. Julia Munro): That concludes the interview. We really appreciate you coming.

LILY ODDIE

Review of intended appointment, selected by official opposition party: Lily Oddie, intended appointee as member, Council of the Ontario College of Social Workers and Social Service Workers.

The Chair (Mrs. Julia Munro): Our next interview is Lily Oddie, the intended appointee as member, Council of the Ontario College of Social Workers and Social Service Workers.

Welcome to the committee. As you may have observed, you have an opportunity to make a statement, and then we'll have questions. Begin whenever you're ready.

Dr. Lily Oddie: I'm very pleased to be with you today and to meet you and to hear your questions as to

my competency and interest in the proposed position as council member. I'd like to start off by giving you a brief summary of my background. In that summary, you'll see some of the motivation for why I'm applying for the position.

I'm a researcher and an evaluator and have a lot of experience in community development and in training. I graduated with a Ph.D. from the University of Alberta in educational psychology, learning systems. I've also taken many courses since that time to ensure that my professional competency was intact and to get updated on trends, especially in the area of human resources and organizational development.

My last period of employment was with the Immigration and Refugee Board, Toronto division. As you know, that's an independent administrative tribunal hearing cases for refugee determination, both inclusion as well as exclusion. We are charged with independent decision-making and hear many different claims from countries where it is clear that prosecution occurs and people are escaping horrific conditions.

It is essential that people appearing before the board have trust in the panel members, that we be objective as well as knowledgeable about the law and precedents that are established through our cases, sometimes being returned from the Federal Court, and also from our professional development activities, which are essential to our competency. We need good research communication skills as well as the ability to either give a decision from the bench or to give a written reason which, although the pressure is to give short reasons, must, however, be complete and meaningful to the incumbent—that is, the refugee and the lawyers involved.

My reputation as a board member was stellar. I did not get involved in administrative functions, however, other than as they related to the knowledge base of fellow members, and ensuring that I was up to date on the country conditions, which is an obligation for all members of the board.

My position prior to that was with Orlick Industries, which is an auto parts producer located in Hamilton with several plants. I was hired in the capacity of training and development and employee services, based on my work at McMaster University and the thread of training and development, human rights, as well as counseling services that has followed me through my 30 years of employment. In that context, I heard many confidential cases from plant floor personnel and also had input into training on health and safety issues, as well as the importance of adherence to human rights, principally and especially sexual harassment. I was also very much involved in the QS 9000 and ISO 14001 quality and safety issues.

For me, the essential part of working with Orlick was that I had to be and was a team player. I had to be familiar with and accepted by the plant floor as well as the executive and supervisors.

When I worked at the St. Catharines YWCA, that YWCA was working with special-needs children, especially in summer camps and also with women who were abused. We ran a residence for women. Our funding was various. We were funded by United Way and also by Comsoc as well as the federal immigration training programs.

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When I worked for John Howard, it was a one-year project assignment following my defeat in the Legislature. The challenge that I was facing there was to make recommendations on a triumvirate set of executives, including the executive director, the manager of finance and myself as director of front-line services. At the end of my one year there, I did prepare a report for the executive and the board—we reported to a board of directors.

My involvement with front-line staff was very fulfilling. I accompanied them on many occasions to bail hearings and probation, and also met with them daily on their appointments for the day. I became very impressed—there were many social workers who were staffing not only at John Howard but also with the YWCA of St. Catharines—with the absolute necessity and the kinds of records that were taken down in all of the positions I've known that have hired social workers. I learned a great deal as well as being able to contribute to the organization.

I was a member of provincial Parliament for Hamilton Centre and also a member of cabinet for five and a half years in total. I believe that we ran a very exciting, dynamic constituency office and that I was also a responsible cabinet member in culture and communications as well as culture and citizenship.

During my tenure as director of the Centre for Continuing Education, I worked with a number of community-based providers of continuing education, as well as some what I would call big, well-recognized providers, including Mohawk and other colleges, as well as the boards of education. During that time, we were able to get transfer of credit as one of the accomplishments, as well as being able to provide front-line workshops prior to certain bills coming in, and I'm thinking of the special-needs children being placed in the education system.

I am also proud of my role with Athabasca University, which is, you may or may not be aware, an Open Learning institute. It was there that I was in both formative and summative evaluation, which means that I was working with not only the packages and the students to evaluate their learning progress, but was also actively involved in marketing the program in the community.

I was motivated to apply for, or at least to put my name forward for, this position because my mandate was coming to an end and I had applied to tribunals which were similar to the adjudicative work I did with the Immigration and Refugee Board. In March a friend of mine, a colleague from the board, asked if I had considered shorter terms of reference and perhaps a move away from tribunals to many of the other agencies and boards that you have under your purview today. It was suggested to me that if I had an interest in, for example,

the Council of the College of Social Workers and Social Service Workers, they were looking for expressions of interest from the public and it would be a government appointment. I said that I would think about and the friend gave me the name of Laura Dowsley, if I was interested. I did call her and said that I knew very little about the council but would let her know if I made an application. Subsequent to that, I did a lot of research over the Internet and brought down annual reports and standards of practice, and felt very comfortable with the work of the council and of the college, and was very proud of the members of the college. I could see the challenges and I could also see the accomplishments. After I had made my application, I informed Laura Dowsley that I was interested, and she said that she would look for the application coming back.

The Chair (Mrs. Julia Munro): I must ask you to wrap up because you have—

Dr. Lily Oddie:—exceeded the 10 minutes.

The Chair (Mrs. Julia Munro): Yes.

Dr. Lily Oddie: And so I'm willing and interested in any questions that you may have related to the possible appointment.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Thanks, Madam Chair. I'm going to be splitting my time with my colleague in the official opposition.

Welcome. It's nice to see you as a former member here. I wondered if you could expound upon—you talked briefly about your time in cabinet. I'm just wondering why you decided to leave cabinet, if you could expound on that.

Dr. Lily Oddie: I was asked, actually, by the Premier to leave, in the context of the investigation into the Starr incident. That was not the only reason. The Premier also wanted to give opportunities for more MPPs to share in the work of the cabinet executive. Those are the primary reasons. I was very glad, also, to get back to the backbench, and I served on committees. I think I've made a contribution there.

Ms. Lisa MacLeod: Thanks. And you spent some time with the Immigration and Refugee Board.

Dr. Lily Oddie: Yes.

Ms. Lisa MacLeod: So you often sat and questioned people, much as we are today.

Dr. Lily Oddie: Yes.

Ms. Lisa MacLeod: You had a case that ended up going, I guess—and it was overturned by the Federal Court of Canada. Do you want to talk a little bit about that?

Dr. Lily Oddie: The process with the board is that there are many cases that come back. The lawyer for the refugee can appeal the case; then they get standing and present the merits of the case and their arguments. I had very few come back. The ones that came back, I learned from, and indeed all members of the board learned from.

Ms. Lisa MacLeod: This was a pretty serious one with a refugee from the People's Republic of China who was seeking refugee status because of her claims that she faced persecution for her Christian beliefs. At the time, you had—I guess it was a word that ended up confusing her, and it was "parabola" instead of "parable." I just wonder, in this job, I guess you're going to have to have compassion, and I'm just hoping that—my comment, and you can respond to my comment, is, will you be able to bring that forward to the College of Social Workers and Social Service Workers?

Dr. Lily Oddie: Well, all I can say is that I did not make an error and mention "parabola." The National Post, actually, made an error in not checking transcripts, as the judge did. So the chairman of the Immigration and Refugee Board from Ottawa made it very clear that the error was an error of translation and not an error of the member. I, of course, have compassion for China. That was one of the teams that I was on, along with the Pacific, but I just want you to know that that clearly was not made public, and I think that it should be made public because not only was it my reputation, but it was an error. I believe that the lawyer in question was questioned considerably about it after the fact and that there was some—

Ms. Lisa MacLeod: Did the National Post ever put forward a clarification?

Dr. Lily Oddie: They did.

Ms. Lisa MacLeod: Okay. My colleague will take the rest of my questions.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Thank you very much. I was a little bit disappointed when I heard you refer to that as the "Starr incident"; I think most other people would refer to it as the "Starr scandal." Of course, that was involved with allegations of diversion of funds from agencies and councils to political ends. I think what we're looking for as well, of course, is complete honesty from appointments in their role. That, like I said, disappointed me, to refer to that as an "incident."

1000

I see in your application, "Memberships in Professional Organizations"—you didn't put anything in there; it says, "Not applicable...." Are you not a member of any professional organizations at all? I'm just wondering why you didn't want to include that.

Dr. Lily Oddie: I'm going to reply to both of those questions. The first one is, I'm calling it the Starr affair, but the incident was very serious for many people. There were a number of concerns that were held by the Premier and cabinet and also myself. That was the whole issue of the campaign electoral expense act, as well as donations, and the overlap between appointments as well as donations. I'm not talking about tickets to events, but I'm talking about donations.

I believe that the government acted with dispatch, not only Ian Scott—in appointing Justice Houlden but also John Black Aird, who was, of course, the holder of all of our conflict-of-interest statements. I interacted with him

as well as with members relating to the public trustee and anyone else who wished to interview me. That also happened with other MPPs of all ilks who were of interest, not only to the public but to the inquiry.

As you know, the inquiry was halted because of the perceived possibility for conflict based on individual rights, as well as the openness and the wide-ranging need of Justice Houlden to understand all of the ramifications and the involvement of people in fundraising and appointments. The Supreme Court made a ruling, although I believe half of the hearings had already been held and evidence had been taken, that it was a human rights issue. Therefore, the criminal court proceedings did proceed—the Supreme Court was asked by the proponents being investigated to make a ruling, and they did. Ian Scott, as Attorney General, accepted that recommendation.

Now, in terms of my membership in boards and agencies, my whole 30 years, with the exception of the Immigration and Refugee Board, has been totally consumed, and productively so, with my active membership in boards and agencies. So when I was with McMaster University, I belonged to—

Mr. Randy Hillier: My question was why you didn't feel it was applicable to list any of your professional organizations. Or are you not a member of any?

Dr. Lily Oddie: In my complete resumé, I did, in fact, refer and gave a little vignette on the kind of—under "Community Involvement," I said, "My career has involved significant community involvement, including business, professional, non-profit and social service networks and partnerships, including non-profit boards of directors," and I gave some examples.

Mr. Randy Hillier: Are you a member of any professional organizations?

Dr. Lily Oddie: I am not at the moment. I should mention that when you become a member of the Immigration and Refugee Board, any such membership is not encouraged. In fact, I gave up my membership in the Mohawk board and any other community boards that I belonged to. Not only that, I gave up my political involvement as a matter of integrity and strongly believe that the public face of Immigration and Refugee Board members must be transparent, and it was. So that is the only explanation I gave you.

I have not been employed since December of last year. I'm currently very much involved with the YWCA in terms of attending programs, but have not made any move yet to join any boards or agencies. But I have many, many involvements with boards.

The Chair (Mrs. Julia Munro): We must move on. Mr. Prue.

Mr. Michael Prue: You have applied for a position where there's very low registration in the college by social service workers, and I wonder why you have an interest in adjudicating claims of people who, by and large, choose not to belong. The reason I'm asking that is, you must have run into, in your many years on the Immigration and Refugee Board, a lot of immigration consultants. They don't belong to their organization either. Some of my friends may hate me for this, but I think it's one of the most ineffective organizations in the country. Isn't this much the same?

Dr. Lily Oddie: I'm not certain how the membership of the social service workers is counted, and I'm not sure whether the same emphasis is given to social service workers to join the college as it would be with the schools of social work. Certainly, the schools of social work, in making their presentations to the council on various issues, make it very clear that one cannot use the designation or the title "social worker" unless one joins the college. I have attended courses at Mohawk, but I don't recall this issue coming up in the courses that I attended.

I believe that in the 2007 annual report, the council and college are reflecting the college's desire to communicate better with students at the first instance, when they graduate. With adult graduates, it would make a lot of sense to encourage them to join the council as well as to share with them the benefits of being a college member, in terms of competencies and networking as well as assuring the public that you are in a regulatory body. So I think that is ongoing. I can't speak any further than that, but I think it is an excellent question.

Some criticism—and I've seen that in the proposed questions—was that perhaps the membership fee is too high and would dissuade social service workers, who traditionally make lower salaries, from joining. That may be the case; I don't know. However, the college has decreased membership fees, and I think council has encouraged them to do as much as they can in that area, given the difference between the expenses and the income that they generate from registration.

I don't know, also, in the statistics, whether some of those graduating are full-fledged community workers or whether they're social service workers.

I would love to see more involved. I think it is incumbent on the council and the college to increase their advertising and communications and also to see why some of those who have graduated from the social service program have not taken advantage. It could be that they have also taken more than one program of study; I'm not certain.

Mr. Michael Prue: May I ask why you left the Immigration and Refugee Board in December of last year? Was your time up, or was it that the new Conservative government didn't want to reappoint you? What was the reason?

Dr. Lily Oddie: It was the latter.

Mr. Michael Prue: That happens all the time. Not just to you, but—

Dr. Lily Oddie: That aspect was certainly transparent.

Mr. Michael Prue: Just to digress a little: For 13 years, I was counsel to the Minister of Immigration before the board when it was adversarial, before it became a non-adversarial board. I do empathize a little with you in terms of the decision in the Federal Court. I had some of mine go there too, so it's not anything untoward.

In terms of your involvement with the board, you left because you were not renewed. Were there any other

difficulties? My colleague from the Conservative Party seemed to indicate that there may have been some. Was it just one case with one mistranslation? Is there anything else that we should know about?

1010

Dr. Lily Oddie: The translation had nothing at all to do with human rights. As you know, in refugee cases we not only look at the well-foundedness, but we look at credibility, so based on the evidence and based on my knowledge of country conditions and based on several reasons—we have to articulate every one of the reasons before we make the decision—I found that the claimant was not credible and was not a convention refugee, given the guidelines that we have for making that decision. The appeal was open to her, as well as appeals to get humanitarian compassionate grounds, but we were not an arm of immigration; we were independent in decision-making.

As I say, members learn from cases that are refused, and members take seriously comments from the press that end up not being correct. So the case was not refused because of the translation error or even indeed because of Christianity on its own; it was a multiple case involving more than one issue, and the issue of religion was not the primary reason for the denial.

Mr. Michael Prue: If I could, the last one's not a question; it's just a comment. As the last mayor of East York, we to this day appreciate what you did at the Brickworks.

Dr. Lily Oddie: Thank you.

The Chair (Mrs. Julia Munro): We have a moment. Mrs. Van Bommel.

Mrs. Maria Van Bommel: That's just fine, Chair. I just want to thank Dr. Oddie for appearing before the committee today.

Dr. Lily Oddie: Thank you very much for your questions.

The Chair (Mrs. Julia Munro): Thank you very much for coming.

MAUREEN ARMSTRONG

Review of intended appointment, selected by official opposition party: Maureen Armstrong, intended appointee as member and chair, Criminal Injuries Compensation Board.

The Chair (Mrs. Julia Munro): Our next interview is with Maureen Armstrong, the intended appointee as member and chair, Criminal Injuries Compensation Board.

Good morning, and welcome to the committee, Ms. Armstrong. As you will have noted, you have an opportunity to make any comments you wish, and then we'll have questions from the committee members.

Ms. Maureen Armstrong: Good morning. Thank you very much for having me here today.

Madame la Présidente, si vous me le permettez, j'aimerais commencer en français et plus tard je continuerai en anglais, si ça va.

The Chair (Mrs. Julia Munro): Oui.

M^me^ Maureen Armstrong: Merci beaucoup. C'est un grand plaisir d'être ici aujourd'hui. J'aimerais prendre quelques minutes pour compléter les renseignements que vous avez concernant mes qualifications pour le poste de présidente de la Commission d'indemnisation des victimes d'actes criminels.

Je suis née à Woodstock et j'ai grandi à Simcoe, du comté Haldimand-Norfolk. Quand j'étais très jeune, je me suis intéressée au concept de la justice sociale, et quand j'avais neuf ans, j'ai déclaré mon intention d'être avocate. Plus tard, j'ai complété un baccalauréat en études de la gestion et en économie à l'Université de Guelph. Suite, j'ai travaillé deux ans avec une entreprise financière ici à Toronto. J'ai reçu mon baccalauréat en droit à l'Université Queen's en 1992. Mes études juridiques se sont concentrées sur le droit d'égalité.

Avant de commencer mon stage avec Nelligan Power, un cabinet d'avocat à Ottawa, j'ai voyagé pour un an en Asie, afin d'approfondir ma compréhension de la diversité culturelle. Je suis devenue membre du Barreau du Haut-Canada en 1995, la même année que j'ai rejoint la fonction publique du Canada. J'ai travaillé pendant plusieurs années avec la Commission canadienne des droits de la personne dans plusieurs postes. En plus, j'ai étudié une maîtrise en droit de la personne en Espagne et en espagnol.

Pendant mon travail avec la Commission des droits de la personne, j'ai acquis des connaissances détaillées du droit administratif et, entre autres qualifications importantes, ma connaissance de la langue française. En plus, j'ai eu l'expérience de fournir des services directement aux clients.

Depuis l'année 2001, je m'occupe de la gestion, avec une concentration sur la gestion de changement et la direction dans le secteur publique. En janvier 2007 j'ai commencé une affectation avec Aide juridique Ontario, où présentement je suis vice-présidente de la région du centre et de l'est.

To describe my professional orientation succinctly, I would say that I am a public servant. I'm motivated and committed to public organizations and doing the best job possible for the people of Canada and specifically the people of Ontario. I believe in public service, in public institutions and the value we can bring to the lives of those for whom we serve.

I have no political affiliations and have not supported any political party, financially or otherwise, since the early 1980s. I've dedicated the past 15 years to serving the public in general and vulnerable communities in particular.

This brings me to the reason why I am so pleased to be considered for the position of chairperson of the Criminal Injuries Compensation Board. The CICB has a compelling social justice mandate of accepting and deciding upon applications for compensation from those who have been victimized by violent crime. It has a long, full history of performing that function, and many Ontarians have benefited from its hard work these past many years. More recently, the organization has faced its share of

challenges: keeping up with the demands for its service and being as responsive as possible to the applicants coming before it. It is therefore looking to develop new ways of doing business. With that I think I can help.

I have a great deal of knowledge and skill in transforming social justice organizations to make them more efficient and effective. At both the Canadian Human Rights Commission and Legal Aid Ontario I have been a leader in change processes designed to improve the overall functioning of those organizations. The commission's change process resulted in a reduction of time taken to complete human rights complaints from an average of 25 months to an average of 10 months. At Legal Aid Ontario, I have been part of the leadership team that has transitioned the organization from one based on product line and type of service to one structured geographically. In doing that, we have been better able to meet the needs of our clients and ensure that legal aid services are well coordinated within local communities.

So in seeking to become the chair of the CICB, I would like to bring to that organization my knowledge and skill of weaving good management practices into important social justice processes, and in so doing, deliver better results for the many victims of violent crime who need the board's help. I welcome the chance to lead the CICB to become an organization that is known for delivering excellent results for its clients and the public at large.

Thank you very much, Madam Chair. I'm happy to take any questions.

The Chair (Mrs. Julia Munro): Thank you. We'll begin with Mr. Prue.

Mr. Michael Prue: I guess the big question as the new chair of the board has to come down to, how would you deal with the very real flaws that the Ombudsman pointed out last year? He said people felt bureaucratized. He felt that people were not dealt with fairly, that the amount of compensation for those who were not gainfully employed, whether they be pensioners or students, was pitiful. I'm trying to think of all the words that Mr. Marin—he has very colourful and direct language when he speaks. What would you do to resolve all this?

Ms. Maureen Armstrong: Great question. I've read in detail, obviously, Mr. Marin's report, and he does indeed indicate a number of areas where at least he saw great concern with how the board was functioning at this time. Without obviously being there already, my first order of business, should I be appointed, is to do a full diagnostic of what the current processes are and where some of the challenges are coming from. I think one of the key ways of addressing process change is to bring it from a citizen-focused or client-focused perspective. I think that's a lot of what Mr. Marin was asking, that the processes be designed in such a way that they make sense, are intuitive and are accessible to the people the organization is designed to serve.

Mr. Michael Prue: He also said—and I thank Mr. Johnston for his always wonderful research. He quotes the Ombudsman's view, and I quote it in turn, that the board has operated in the past to create a "bureaucratic culture that is harming those who are in need of help." How will you end that bureaucratic culture which is actually doing harm to people who are seeking compensation?

1020

Ms. Maureen Armstrong: I believe that quote is referencing in particular the very lengthy delays that the board has experienced, at least in the past, to process a complaint. I believe it was over three years; some three and a half years was the average time taken from the time someone applied for compensation until a decision was rendered. So first and foremost, I think that issue has got to be addressed. I would envision bringing the average time for processing to something definitely under a year.

Unfortunately, I can't give you details at this moment unless and until I'm in the organization and can learn more of the dynamics. But I think the first order of business is that the process needs to be simplified so it's easier for the clientele and they are receiving a decision from the organization in a very timely manner. I think that would have to be well within one year of the time that they applied.

M. Michael Prue: Merci. C'était une bonne réponse.

The Chair (Mrs. Julia Munro): Mr. Lalonde.

M. Jean-Marc Lalonde: Tout d'abord, je dois vous féliciter et vous remercier d'avoir pris le temps de vous rendre et faire la présentation ici-même à Queen's Park. Le fait que vous vous êtes adressée à nous en français en premier lieu : j'espère que vous reconnaissez l'importance d'avoir les deux langues ici-même en Ontario, puisque nous avons 25 régions qui sont désignées bilingues par le gouvernement provincial et aussi nous comptons plus de 550 000 francophones en Ontario. Lorsqu'on parle de personnes avec des capacités affaiblies causées par des accidents de travail, nous savons qu'au-delà de 10 000 travailleurs de la construction proviennent de la province de Québec pour travailler en Ontario, et beaucoup d'entre eux ne peuvent pas s'exprimer en anglais. Donc, vous pouvez jouer un rôle très, très important dans le poste pour lequel vous déposez votre candidature.

Merci, et je crois que vous détenez les qualités nécessaires pour répondre aux besoins.

M^me^ Maureen Armstrong: Merci beaucoup.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here today. I'll start off by asking, you're presently with the Canadian Human Rights Commission?

Ms. Maureen Armstrong: I am officially still an employee of the federal public service. I'm on an interchange assignment with Legal Aid Ontario.

Mr. Randy Hillier: Should you be successful in this, will you be resigning from the federal public service?

Ms. Maureen Armstrong: I would be taking a leave of absence from the federal public service; that's my hope.

Mr. Randy Hillier: They allow that to happen for a set period of time, do they?

Ms. Maureen Armstrong: That's correct.

Mr. Randy Hillier: We know that the Criminal Injuries Compensation Board has had its challenges. I think that for every board that we talk about, "challenges" is always used to describe them. However, this one has been reviewed by the Ombudsman and he's been very critical, as my colleague from the third party has said, of the bureaucratic culture and the harm, added stress and whatnot that they put on victims. I think it's good to hear that you want to reduce that wait time from three years to something less than a year, but really, for somebody who has been victimized by a crime and then has to proceed through a bureaucratic culture, which even at a year doesn't sound reasonable or sound like that should be the standard that we should be striving for, why would you think that a year would be necessary to make a decision on somebody who has been a victim of crime?

Ms. Maureen Armstrong: It could be that it's less than a year. As I say, without having the opportunity to work within the organization and see the scope of questions and issues that they need to face in order to determine, first, whether someone has indeed, on a balance of probabilities at least, been a victim of a violent crime and then to determine the scope of information required to decide what the level of compensation ought to be—obviously it takes some time to do that. So I could be wrong. I'd like to say it'll be four to six months; maybe it's even less than that. I'm erring on the side of caution by saying the commitment I would be working toward is that it be at least under 12 months from the three or three and a half years it's taking now.

Mr. Randy Hillier: Three years is just atrocious and deplorable. How we allow that to happen is beyond me.

The Ombudsman has provided 10 recommendations. Are you familiar with those recommendations, and do you have a view on how they would be implemented, should you be successful?

Ms. Maureen Armstrong: I have, of course, reviewed his recommendations. I think a number of them appear to make a lot of sense and to be very good. I believe that the board has actioned a number of those recommendations, if not all of them, at this point in time. He speaks of things like making the documentation much more user-friendly and simplified for clients coming forward, and I understand that much of that has been done already. Certainly, if there are other elements that he's raised that have not yet been addressed, that would be a key focus for me, should I be appointed chair.

Mr. Randy Hillier: In my experience, one of the reasons we get into these atrocious backlogs and time frames is because of transparency and openness. Nobody knows how long it is taking other than the affected individual and the bureaucracy that is involved. Have you given any consideration to creating more public awareness and accountability of these time frames, such as putting on the website the length of time and disposition of decisions, so that all can see and judge the effectiveness of the criminal injuries board, instead of waiting for an Ombudsman's report?

Ms. Maureen Armstrong: I thoroughly agree that transparency is very vital to organizations such as this. It's vital for the people who may come before them, so they have a realistic expectation of what they may encounter. It also can serve as a very valuable motivational tool for the individuals working in the organization. If you set goals, you have clear ideas of where you want to go. You are going to publicly tell the world how you're doing against your goals of time. I think it's a very valuable tool for making a healthy organization and one that functions well.

Mr. Randy Hillier: So, if you're successful, we may be able to look on the website down the road and see how well you're doing in achieving those goals?

Ms. Maureen Armstrong: Indeed.

The Chair (Mrs. Julia Munro): That concludes the interview. Thank you very much for being here today for us.

Ms. Maureen Armstrong: Thanks for the opportunity.

PETER WATTS

Review of intended appointment, selected by official opposition party: Peter Watts, intended appointee as member, Ontario Film Review Board.

The Chair (Mrs. Julia Munro): Our next interview is with Peter Watts, the intended appointee as member, Ontario Film Review Board.

Welcome to the committee. As you may know, you have an opportunity to provide the committee with comments of your own, and then we will entertain questions from the committee members. Whenever you're ready, please proceed.

Mr. Peter Watts: You'll have to excuse me; I'm suffering from a summer cold.

Mrs. Liz Sandals: Are you the person who's spreading it?

1030

Mr. Peter Watts: No, I'm not spreading it around. I got it from one of my grandkids. I see somebody else wiping their nose over here too. Mine has gone to the throat.

I want to thank you for this opportunity of being appointed to the Ontario Film Review Board. As you can see by my resumé, I was a member of the board from 1999 to 2005. I was not re-appointed for a further term. I had been assured that my re-appointment was forthcoming, but due to unknown factors it was not. I immediately re-applied and was advised in May of this year that my application was being reconsidered. I completed the conflict-of-interest documents and returned them to the executive assistant of policy and consumer protection services.

During my tenure on the board, I worked closely with all three chairs on several projects.

I have been a resident of Burlington for over 40 years. I am a father of four with seven grandchildren and have

been happily married to my wife, Pat, for almost 50 years. Next year is the big one; I can't forget that one.

The OFRB is extremely important in designating classifications for all movies shown in Ontario theatres. As times change, so does the content of the movies, with more language, more violence, more sexual scenes etc. This means that board members must be very vigilant in performing their duties. The classification of each movie allows theatregoers to realize the type of movie they or their children are about to see. As a parent and grandparent, this is extremely important.

I have been, and am still, involved in many church and sporting organizations and am aware of the many changes in the world today. I have been appointed as the revisions supervisor for both federal and provincial elections and have worked with all political parties. In this position, I must be non-partisan.

I thank you for this opportunity and would be pleased to answer any questions you may have.

The Chair (Mrs. Julia Munro): Thank you. The government is first in our rotation. Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you, Mr. Watts, for appearing before our committee and also for considering this very important role.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Mr. Watts, it's a pleasure to have you before us. The reason I wanted to call in the folks from the Ontario Film Review Board is because I think it's an important body that is going to make some very tough decisions, and it has made some very tough decisions, as you mentioned.

I'd like to just ask you a little bit more about certain examples where you've had some tough choices to make with respect to films that you've classified in the past.

Mr. Peter Watts: Fat Girl was one, a French movie, going back to—I think it was about 2004 or 2005. It was a movie that was presented in French. There were scenes in it with underage sexual activity. We turned this down. There were other occasions throughout that movie where the scenes were—it was against the law in Ontario to be performing these sexual activities because the people who were in it were underage. We turned it down, but then it went to the Court of Appeal and there was a big fooferaw. Anyway, we didn't take into consideration, according to the judge, the intrinsic value of the entire movie, so it was allowed. It was released to the general public, but nobody went to see it because it was that terrible a movie.

Another one that I was involved with was—

Ms. Lisa MacLeod: The free market always makes decisions for us, I guess, doesn't it?

Mr. Peter Watts: Fortunately, it didn't get a lot of publicity. Had it gotten a lot of publicity, a lot of people would have gone to see it.

Another one was called Smoke. It was a marijuana documentary, and we on the board saw this one scene of monkeys being tested with marijuana. It looked to us as though the monkeys were in distress and they were being harmed, so we turned that segment down. That was appealed. Because it was archival footage, it was allowed to be presented in the movie. That got a lot of publicity and it got a lot of people going to the theatre to see it. It was a terrible movie.

The next one was The Passion of the Christ, which was very controversial and a movie which I think everybody should have seen, but with the guidelines that were in place at that time it would have gone into an R classification, which meant you had to be 18 years of age and over to see it. We then allowed it to be reduced down to a 14A movie as long as there was a lot of publicity, a lot of warnings, telling people about the violence and that sort of thing.

Ms. Lisa MacLeod: That actually brings me to another question, then, because it's quite fascinating that you say if you turn something down, chances are they're going to get a lot of publicity and more people will come to see the movie that shouldn't be seen anyway. How do you get around that? You're going to have a public policy role. How do you get around that?

Mr. Peter Watts: Well, you don't, because there isn't a movie that comes into Ontario that you can turn down. There really isn't. It's one of those situations where the courts say you've got to take the intrinsic value. The producers now realize that, so they don't put scenes in the movies that are going to be controversial or that would cause us to—

Ms. Lisa MacLeod: So you generally think it has sort of taken care of itself for the most part.

Mr. Peter Watts: Yes, it's taken care of itself.

Ms. Lisa MacLeod: Okay. Those are all the questions I have. Do you have any questions? No, my colleague doesn't. So, Madam Chair, were finished.

The Chair (Mrs. Julia Munro): Thank you. Mr. Prue.

Mr. Michael Prue: I just want to get this right: Really, you see the job primarily, or almost exclusively, as just putting a classification on them.

Mr. Peter Watts: Exactly.

Mr. Michael Prue: And you did that for a number of years. You got dropped, but you want to come back.

Mr. Peter Watts: Yes, I do.

Mr. Michael Prue: You must have enjoyed it a lot.

Mr. Peter Watts: I did.

Mr. Michael Prue: I always like a man who enjoys his work. Thank you very much.

The Chair (Mrs. Julia Munro): I think that concludes the questions. Thank you very much for coming.

Mr. Peter Watts: Thank you for your time, and thanks for putting up with my lousy voice. I used to have an announcer's voice, but I don't have that anymore.

SUSAN KAMINESKY BLAIR

Review of intended appointment, selected by official opposition party: Susan Kaminesky Blair, intended appointee as member, Ontario Film Review Board.

The Chair (Mrs. Julia Munro): I'd like now to call on Susan Kaminesky Blair, the intended appointee as

member, Ontario Film Review Board. Good morning and welcome to the committee. As you may know, you have an opportunity to make a statement at the beginning, if you wish, and then we'll have questions from the members.

Ms. Susan Kaminesky Blair: Thank you. I'd just like to say a little bit about myself.

The Chair (Mrs. Julia Munro): Certainly.

Ms. Susan Kaminesky Blair: Good morning, Madam Chair and members of the committee. I'd like to thank you for allowing me the opportunity to come and introduce myself to you today. My name is Susan Kaminesky Blair and I'm a resident of the Beaches area of Toronto.

Originalement de Montréal, j'ai passé sept ans à l'école française et je suis bilingue.

I grew up in the Ukrainian community, and I can speak in, read and understand the language. I also studied German and Spanish at CEGEP. I've lived in Quebec, British Columbia and Ontario, as well as Germany, Switzerland and Japan. I've travelled extensively through Europe, Asia, Canada, the US and Mexico. I feel that these experiences have made me appreciative of and sensitive to the diversity of cultures that exist here in the province of Ontario.

I first became aware of the Public Appointments Secretariat and the opportunities it afforded the citizens of Ontario to serve their communities when I worked as the office manager for the Minister of Culture and minister responsible for francophone affairs in 2004. I've seen the value and importance of people being active in my community, and I'm eager to become more involved myself. I've chosen to apply to the Ontario Film Review Board and feel qualified to become a member.

Working in online data research as a data-tagger, I'm skilled at capturing online commentary and then identifying and categorizing the attributes relevant to any given project. I feel I will easily be able to apply these skills to the classification of film.

I love movies, and as someone who has aspired to be in them, I've studied acting and have appeared in film and television productions and numerous commercials. I have first-hand knowledge of the technical aspects of filmmaking, and I understand the casting, producing and editing of films as well. I appreciate all the hard work that goes into creating a finished product.

I've been fortunate to have friends and acquaintances throughout the province, of varying ages and ethnicities, and we share similar values and standards when it comes to ensuring our communities are safe, vibrant and strong.

I'd just like to conclude by saying that it would be a privilege to serve the people of Ontario by helping to provide them with the information necessary to make informed decisions about what films they and their children watch. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the official opposition.

Ms. Lisa MacLeod: Thank you for appearing today. I appreciate that.

The reason that I've called you, as I mentioned to your soon-to-be colleague Mr. Watts, is that I think this is a very important board. It was essentially just to reiterate the importance of that, because a lot of these movies our children see, and it's important that they are put in the proper context.

I note that you have previous government experience working for Madeleine Meilleur, the Liberal cabinet minister from Ottawa–Vanier, and that you come well qualified in terms of your references. I noticed that a former chief of staff to Lyn McLeod, the former Liberal leader, is also one of your referees.

Essentially, the only question that I have is, do you understand the importance of this board, and do you have an understanding of what community standards are?

Ms. Susan Kaminesky Blair: I believe I do. I certainly am active in my community. I have many friends; I have many friends with children, although I do not have any myself. I'm completely aware of the difficulties that they face in raising their children and making intelligent decisions to eventually have them grow up and go out into the world and become responsible citizens themselves.

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Ms. Lisa MacLeod: Do you have a direct example of where freedom of expression meets the community standards? I think you were here when Mr. Watts was speaking.

Ms. Susan Kaminesky Blair: I arrived five minutes ago—sorry.

Ms. Lisa MacLeod: Okay. Sorry. He described three films, actually, and there was one of them—and he can correct me if I'm wrong; just yell and I'll know—where there were monkeys that were being forced to smoke marijuana, so they decided to reject the movie. It went to the courts, and the courts said it was documentary footage or archival footage, so it was allowed to be seen in Ontario. People flocked—is this the one where people actually went to the movie? They went to the film. The point is that people might say, "That's freedom of expression." Mr. Watts and the review panel members at the time saw animals in distress and that's why they rejected it, if I'm correct. I'm just saying that that's sort of what you're going to be confronted with, basically with every movie, although we have to understand the challenges of the worldwide Internet, so everybody gets to see any movie they want to at any time, anyway.

My point is that that may be something you're going to be confronted with. How would you make that decision based upon those sorts of confines of expression and community standards?

Ms. Susan Kaminesky Blair: Okay. I'm an intended appointee, so I have not actually participated in the classification process yet, although I know that there are varying levels of how they classify the movies. There is discussion amongst the members with any given movie that they do watch. I've sat in on a viewing of a movie at the film board. I would imagine that it would be on a per-film basis and a decision would be arrived at mutually

amongst all the members. It's impossible to generally paint a picture without knowing the specifics.

Ms. Lisa MacLeod: Okay. Thank you.

The Chair (Mrs. Julia Munro): Thank you. Mr. Prue.

Mr. Michael Prue: I just want to explore your time here with the Ministry of Culture. You were here for a very short period of time.

Ms. Susan Kaminesky Blair: I was.

Mr. Michael Prue: Can you tell me how you got the job and why you left it?

Ms. Susan Kaminesky Blair: I had reached a bit of a slump in my acting career and I was looking for other opportunities, perhaps—I have a bit of an administrative background. I've done several contracts where I've been, for lack of a better way of putting it, an office manager in various positions. I'd do a lot of logistic work, again, to support the acting career—anything but waitressing. At that point, I decided to drop out of acting completely and when the government had changed I applied for the position because the culture aspect interested me, and the chance to better my French was of great appeal as well. I came in blind, though. I was just expecting an administrative position in an interesting new unit.

Mr. Michael Prue: But you only stayed for a very short period of time.

Ms. Susan Kaminesky Blair: I did.

Mr. Michael Prue: Why was that? That's really the question.

Ms. Susan Kaminesky Blair: I decided to pursue other challenges instead. I came in, I set up the office with a new ministry, I moved the office and towards the end of the year I decided that I was better challenged elsewhere.

Mr. Michael Prue: Was this a political appointment at all?

Ms. Susan Kaminesky Blair: Absolutely not.

Mr. Michael Prue: It was just a regular—

Ms. Susan Kaminesky Blair: It was a job.

Mr. Michael Prue:—job in the civil service.

Ms. Susan Kaminesky Blair: Yes.

Mr. Michael Prue: Okay. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you. Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much, Chair, and I want to thank Ms. Kaminesky Blair for coming in today and considering this role on the Film Review Board. It's a very important role that you will have. Thank you.

The Chair (Mrs. Julia Munro): Thank you. That concludes the interview, and we appreciate your being able to come here today and the comments that you made.

Ms. Susan Kaminesky Blair: Thank you.

The Chair (Mrs. Julia Munro): Now, our first order of business, then—having had the interviews—is deferred votes.

Ms. Lisa MacLeod: Madam Chair?

The Chair (Mrs. Julia Munro): Yes?

Ms. Lisa MacLeod: I'm just wondering, in terms of organization, if it's possible for us to deal with the Human Rights Tribunal appointees from yesterday and today—we will not be seeking a deferral today—at the end, and deal with everyone else on an individual basis. It still means that we're dealing with them on an individual basis; it just means we're dealing with the Human Rights Tribunal folks at the end.

Mrs. Maria Van Bommel: We will be seeking a deferral of the vote on today's candidates. Also, as I said earlier, we will not be in favour of bundling or lumping individuals together.

As the member opposite has said many times, she wanted to talk to each of the individuals who were being appointed to this particular board. She wanted to know what their inclinations—basically, their values and principles—were.

Now that you've had an opportunity to question those people, get responses, I would think you'd want to actually pass judgment on an individual basis based on the responses that you got.

Ms. Lisa MacLeod: I think you misunderstood. That wasn't what I was asking. I didn't ask to bundle them; I just asked that we deal with those ones on an individual basis after we've dealt with the others individually. It's a matter of order. It means that if we have six Human Rights Tribunal—

Mrs. Maria Van Bommel: Are you asking to defer—

Ms. Lisa MacLeod: No, not at all.

The Chair (Mrs. Julia Munro): Just a minute. There are two suggestions that are on the floor, one of which is a discussion item; the other is not. The fact that you have asked for a deferral on those—

Mrs. Maria Van Bommel: Today's candidates, yes.

The Chair (Mrs. Julia Munro): —that have been done today: That, as everyone knows, is not a debatable request.

Mr. Michael Prue: I would, though, like to know the propriety, the reason for it.

Mrs. Maria Van Bommel: I think, at this point, we would like to see that we deal with the deferred issues first that are currently on the table.

The Chair (Mrs. Julia Munro): All right. What I would like to go back to is the question of doing the deferred votes as they are on the agenda. We can do them individually.

I would ask that we—

Ms. Lisa MacLeod: Madam Chair, my only confusion is: I guess, from the deferred votes from yesterday, I'm just wondering if it's possible to reorder them, that we just deal with species at risk, Durham Regional Police, workplace safety, South East LHIN and the North West LHIN that way at the end, because I'd like to have a few minutes through a discussion. I don't think it's necessary for me to discuss, unless the government wants that, part of my discussion before a vote. I'd rather just do that all at one time, because I'm entitled to 20 minutes per each. I figure, if we deal with it closer to the bottom,

I will only need, between myself and my colleague, 20 minutes for discussion before the vote.

The Chair (Mrs. Julia Munro): Excuse me. I'm confused about whether or not discussion is the 20 minutes that you are asking for as an opportunity personally to discuss, or are you talking about—

Ms. Lisa MacLeod: The committee discussion, Madam Chair.

The Chair (Mrs. Julia Munro): The committee discussion is not a 20-minute—

Ms. Lisa MacLeod: According to the rules and procedures in the standing orders, it is.

The Chair (Mrs. Julia Munro): No, no. When you ask for a 20-minute, that's for you to have a private conversation.

Ms. Lisa MacLeod: Okay. According to the rules and procedures, though, and you can double-check it, each time we have a vote in committee I'm entitled to 20 minutes.

Interjection.

The Chair (Mrs. Julia Munro): My attempt a moment ago was to clarify the fact that when you referred to 20 minutes, whether you were talking about debate time or the wait time.

Ms. Lisa MacLeod: Debate. But there is also a 20-minute recess time, which I could be afforded under page 19 of the—

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The Chair (Mrs. Julia Munro): That's all I'm asking: to distinguish between what it was that you were asking for.

The other issue that I would just raise to you, as a general comment, is, recognizing the position that people have taken on both sides with regard to the question of having a vote that would cover more than one person, you could, I think, quite legitimately look at it in a manner similar to that which you do in clause-by-clause debate, where there are areas of a particular section that are simply put together and people can raise those individually.

Mrs. Maria Van Bommel: We would be agreeable to doing them in an order that puts the people of a like appointment or agency together, as long as the votes are done on the individuals.

Ms. Lisa MacLeod: Just so that my colleague opposite knows, that was my intent. I apologize if I didn't convey it as clearly as that, but that's my intent.

Mrs. Maria Van Bommel: That's fine. We're agreeable to that.

Mr. Kevin Daniel Flynn: We could have had the votes by now.

The Chair (Mrs. Julia Munro): Democracy is not a swift instrument.

I think we now have reached the point where we can take the deferred votes from yesterday. They will simply be done in the order of the Human Rights Tribunal, and then the others as they appear. Are we all on the same page here?

We will consider first, then, the intended appointment of Ailsa Wiggins, the intended appointee as member, Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I move the concurrence of the appointment of Ailsa Wiggins.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Ms. Lisa MacLeod: Yes. I'd like to make a few remarks, and my colleague would like to make a few remarks as well, and then I think we'd like to get on with voting, as my colleagues opposite would.

Our biggest concern in the official opposition is that this is happening in the middle of the summer—and not only that this public appointments process is happening in the middle of summer, but this process started in 2006 with respect to the overhaul of the human rights system here in Ontario, and we're now going to start to see the fallout of that decision by the Legislature in 2007.

I think that it would behoove all of us to reflect on the types of folks and the philosophy we would like to see in the tribunal. A process is one thing, but a major philosophy in how we deal with human rights in this province is quite another. I wanted to bring forward as many of these folks as possible to ask them the critical philosophical questions so that I would have an idea of what we're going to expect, whether it's two months down the road, three months down the road or six months down the road.

With the changes in the Ontario Human Rights Commission and how the system works and, ultimately, now that the tribunal has more power than, arguably, it ever had, the individuals who are appointed to this tribunal will effectively shape the human rights system in Ontario. That's why I asked the questions of the difference between offensive conduct and discriminatory conduct. That's why I asked the deputants whether they agree with Chief Commissioner Hall over whether or not they would like to see, like she does, human rights complaints in Ontario spike. That's why I asked them if it was a good or a bad sign that the number of complainants in Ontario has declined over the past several years despite our population growth. That's why I asked them, what is the standard of proof that a complainant should meet to have a complaint upheld? Many of them said it should be the balance of probabilities. That's why I asked them, if Chief Commissioner Hall has said that there are known and unknown causes of discrimination, do you think it's your job to discover new types of discrimination? That's why I asked whether or not they thought it was possible for non-minority groups to be discriminated against.

The media is a very important component in any democracy, and in the last year and a half we've seen cases right across Canada, and right here in Ontario, be the subject of human rights complaints. I think it is a legitimate question to ask if the tribunal applicants in the intended appointments believe, as Chief Commissioner Hall does, that the media should be seen through the filter of human rights.

I think it's also a legitimate question to ask about false complainants and what happens to those who are acquitted. It's not that I have a particular bent on either side, but I think it's legitimate that as a member of a standing committee deciding who these appointees are, and so many of them—we know that there have been over 20 people appointed this summer to the human rights tribunal process—it's legitimate for any Ontarian and any member of this committee to ask the critical questions, because this is a defining moment in human rights in this province.

We are embarking upon a new system and we need to make sure that the system works and that the system doesn't hurt the people it's supposed to protect. We have some legitimate questions on whether or not this is going to be the privatization of human rights. Those issues came up during the discussions of Bill 107. It's interesting to think that in the last Parliament we dealt with Bill 107, but now we're dealing with how this system will be defined. I think it's legitimate to ask: Will only wealthy complainants have the ability to seek a tribunal hearing? I think it's legitimate to say: If you're underprivileged, are you going to have access to a lawyer? Those questions have never been answered, and I think it's legitimate to ask each one of them. Does discrimination trump free press or does free press trump discrimination? We don't have to have that answer today, but we have to have that discussion in Ontario. That's why we brought forward the intended appointees; that's why we work with our critic, Christine Elliott, who stood very firmly opposed to Bill 107 and worked very hard in bringing the views of all sorts of different Ontarians to the table during the hearings. That's why we were vigilant in the last three days in wanting to hear everybody; we wanted to hear where they stood on them. I've got to admit: They're great people; they're great Ontarians. But you can't just take a public appointment and not know where you stand.

So my vote today will be cast in opposition, not so much for the individuals we saw in the last two and a half days, but in opposition to this new tribunal process, which my party disapproved of. I think the jury is still out, so to speak, on how this tribunal process will impact the residents of Ontario.

I want to thank my colleagues. I know that many of them had other things that they could have been doing this summer and I want to thank them on all sides for coming, for allowing us the opportunity that is so fundamental in democracy: to air differences of opinion. And I look forward to getting on with the debates and listening to my colleague from the official opposition.

Thank you, Madam Chair, and thank you to the staff here who've worked so hard.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: I share many of Lisa's concerns. I think it's important that we understand that this new human rights tribunal and the expansion of it will have unforeseen consequences, unintended consequences, and it will have significant impacts on Ontario and Canada.

We've seen the growth of the human rights system moving into limiting or trying to infringe on individuals' freedom of speech and freedom of expression. These are not things that we should take lightly; these are things that are the essence. One of the fundamentals of democracy is to have differences of opinion. Diversity of opinions is just as great, if not greater, than diversity of population. Diversity of opinions is what progresses society, and we cannot limit that diversity of opinions without affecting our progress and our prosperity.

1100

As Blackstone said many years ago, "The public good is the protection of every individual's private rights." I also believe that it is fundamentally important and an obligation of every member of this committee to scrutinize these appointments and determine their competencies, determine if there are conflicts of interest and determine if there is undue bias within those individuals which may impair their judgments, which we and all Ontarians will bear the consequences of.

So it disappoints me that, on the opposite side, there was no scrutiny, there were no questions. It was a rubber stamp. We need to have a fuller discussion, a fuller debate, if we are going to provide value to the people who have elected us, to the people who expect us to represent their interests.

Like my colleague, I will be voting against the intended appointments for the tribunal. I believe that it has not been scrutinized significantly enough, or honestly enough, to represent the people of Ontario.

The Chair (Mrs. Julia Munro): Mr. Prue.

Mr. Michael Prue: Just very briefly, and I have the dubious advantage of not having heard most of these. I didn't hear any of the people that we are going to determine from yesterday, having substituted, at the last minute, for my colleague Madame Gélinas. But I listened intently to what my two colleagues from the official opposition had to say, and I must state—although I agree with most of what they said—to me, the defining moment is not today; the defining moment was when the government made the decision to stop the committee hearings. That was the defining moment, when those who were in opposition who wanted to come forward and explain why they felt that parts of the bill were not appropriate, were not allowed to do so. The bill was then rammed through the Legislature. That was the defining moment.

Today, this committee must look at the appointees. The appointees did not ram the bill through. The appointees are merely trying to do a job that they have the qualifications for. I have had an opportunity to speak with Madame Gélinas's office in terms of her impression of the people from yesterday, and, in her opinion—and I will be following that—all of those who came forward were qualified. In spite of the fact that I did not support the government's bill, and in spite of the fact that I think the government was wrong in ramming through the legislation and cutting off public debate, that is not the fault of those who are seeking this office. Therefore, I

will be supporting the list, because I think the individuals are well qualified. I will not visit upon them the mistakes that someone else made.

The Chair (Mrs. Julia Munro): Ms. Sandals.

Mrs. Liz Sandals: I would just like to comment a little bit about the process by which the applicants have come to us, in terms of the amount of scrutiny which they have already received. My understanding is that the positions on the tribunal were publicly advertised in the mainstream media. There were over 500 applications for those positions received. This is much like any other job application process, where the applications have been gone through and the people who are highly qualified have been chosen.

I must say that, having been here Monday, Tuesday and today—and I will admit, I took a break yesterday for treasury board. Having heard the majority of the people over those three days, I have been extraordinarily impressed with the strength of the qualifications and, actually, quite impressed with the diversity of background. I agree that you want to make sure that on the tribunal there is a variety of perspectives. We've heard from people who have done management-side law; we've heard from people who have done union-side law. We've heard people who have been involved with community agencies. We've heard people who have been advocates in presenting cases; we've heard people who have perhaps defended people who have been accused of some sort of a code violation before the tribunal. We've heard from people with a tremendous depth and variety of legal experiences and legal qualifications, but what they have all had in common is that they are highly qualified, and they're qualified in the area of human rights interpretation in some way.

In listening to the questions, the other thread which seemed to be common was that each of the potential appointees, when questioned about how they would rule on hypothetical cases, all said, "We would have to look at what the law said, we would have to look at what the code said, and we would have to judge the merits of the individual case based on the code, based on the law, based on precedent." Having heard that—the high degree of qualification and that commitment as a neutral party, regardless of what side they may previously have represented—they all understood that as a neutral party, it was their responsibility to interpret the facts in the individual case based on what the law of Ontario said.

I am very pleased with the quality of the people. I've been very pleased to have this opportunity in August. I think most of us who are MPPs understand that part of our job is to do committee work in August, so this is what I expect to be doing in August. I will be very pleased, as I think my colleagues on the government side will be, to support all of the applicants.

The Chair (Mrs. Julia Munro): Any other discussion? If not, all in favour?

Mrs. Liz Sandals: We need to have concurrence for the individual people, do we not?

The Chair (Mrs. Julia Munro): I just did.

Mrs. Liz Sandals: Oh, okay. Sorry.

Mrs. Maria Van Bommel: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Eric Whist as member and vice-chair of the Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Eric Whist.

The Chair (Mrs. Julia Munro): Any comments?

Mrs. Maria Van Bommel: Recorded vote, please.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We look at the intended appointment of Brian Cook as member and vice-chair of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Brian Cook.

The Chair (Mrs. Julia Munro): Any comments?

Mrs. Maria Van Bommel: Recorded vote, please.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We'll now consider the intended appointment of Mary Truemner as member and vice-chair of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Mary Truemner.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

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The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Sheri Price as member and vice-chair of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Sheri Price.

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Next is David Shannon, as member of the Human Rights Tribunal.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of David Shannon.

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Mrs. Maria Van Bommel: Before we move on, I would like to withdraw the deferral motion so that we can deal with the appointment of Naomi Overend to the tribunal, and we'll deal with all the candidates that we had today, as well.

The Chair (Mrs. Julia Munro): So the question will remain the same. We will consider the appointment of Naomi Overend as member and vice-chair of the Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Naomi Overend.

Mrs. Liz Sandals: Recorded vote, please.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

That's the only one from there, so we will move back, then, to the deferred, if you are able to follow where I'm going here.

We will consider Robert J. Gregor as vice-chair of the North West Local Health Integration Network.

Mrs. Liz Sandals: Recorded vote—oh, sorry.

Mrs. Maria Van Bommel: I have to move the concurrence.

The Chair (Mrs. Julia Munro): You're getting ahead of yourself here.

Mrs. Maria Van Bommel: We're all anxious to expedite all these things. I would move the concurrence of the appointment of Robert J. Gregor.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

I would now ask to continue on our deferred with the intended appointment of Allan Harris as member of the Committee on the Status of Species at Risk in Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Allan Harris.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

I would now ask you to consider the intended appointment of Jane Bowles as member of the Committee on the Status of Species at Risk in Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Jane Bowles.

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Next would be the intended appointment of Allan Furlong as member, Durham Regional Police Services Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Allan Furlong.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): I declare the motion is carried.

Next is the intended appointment of Peter Morgan McCague as member, Workplace Safety and Insurance Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Peter Morgan McCague.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

The next one is Thomas Rankin as vice-chair, South East Local Health Integration Network.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Thomas Rankin.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

Ms. Lisa MacLeod: Madam Chair, may I request just a brief 30-second recess? I know we're about to adjourn, but I want to speak to my counterpart on the government side.

The Chair (Mrs. Julia Munro): All right, for 30 seconds.

We want to look at those appointments from earlier today. I believe we will begin with the intended appointment of Gisèle Guénard as vice-chair, North East Local Health Integration Network.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Gisèle Guénard.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

The next intended appointment is that of Lily Oddie as the intended appointee as member, Council of the Ontario College of Social Workers and Social Service Workers.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Lily Oddie.

The Chair (Mrs. Julia Munro): Any discussion? Seeing none—

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Jeffrey, Lalonde, Prue, Sandals, Van Bommel.

Nays

Hillier, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

Next is the intended appointment of Maureen Armstrong as member and chair of the Criminal Injuries Compensation Board.

Mrs. Maria Van Bommel: I move the concurrence of the appointment of Maureen Armstrong.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

Next, the intended appointment of Peter Watts as member of the Ontario Film Review Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Peter Watts.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

Our final selection, then, is Susan Kaminesky Blair as the intended appointee, member of the Ontario Film Review Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Susan Kaminesky Blair.

The Chair (Mrs. Julia Munro): Any discussion?

Mrs. Liz Sandals: Recorded vote.

Ayes

Flynn, Hillier, Jeffrey, Lalonde, MacLeod, Prue, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

I want to thank all members for their attendance, cooperation and participation. As we adjourn, I would just remind you that we are adjourned until 9 a.m. on Thursday, September 11.

Mrs. Liz Sandals: Is that sort of 9 to 12, 1 to 5, those days?

The Chair (Mrs. Julia Munro): To 4.

Mrs. Liz Sandals: Okay.

The Chair (Mrs. Julia Munro): Thank you very much.

The committee adjourned at 1120.

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Journal des débats (Hansard)

Jeudi 11 septembre 2008

Standing Committee on Government Agencies

Agency review:
Ontario Educational Communications Authority (TVOntario)

Comité permanent des organismes gouvernementaux

Examen des organismes gouvernementaux :
Office de la télécommunication éducative de l'Ontario (TVOntario)

Chair: Julia Munro
Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 11 September 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Jeudi 11 septembre 2008

The committee met at 0930 in room 151.

AGENCY REVIEW

ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY (TVONTARIO)

The Chair (Mrs. Julia Munro): Good morning. Welcome to the Standing Committee on Government Agencies. This morning we are going to have a review of the Ontario Educational Communications Authority, TVOntario.

Mr. O'Brian, I presume? Welcome to the committee. Perhaps you could, for the purpose of Hansard, introduce those you have with you at the table.

Mr. Peter O'Brian: It's a pleasure to be with you this morning. I'm Peter O'Brian, as you've said. I'm the chair of the board of TVO. I'm here with my colleague the CEO of TVO, Lisa de Wilde, next to me, and Lee Robock is the COO, chief operating officer. As I say, it's a pleasure; we're looking forward to discussing TVO with you this morning.

Ms. Lisa de Wilde: I just would like to echo Peter's enthusiasm about being with you this morning. We thought that the most compelling and high-impact way to share with you what's happening at TVO these days was to do it by video. So, as Steve Paikin says every night, Michael, roll tape.

Video presentation.

The Chair (Mrs. Julia Munro): Thank you very much. We're going to do two rotations. Each party will have an opportunity to ask questions, and we'll be looking at 30 minutes for each. We'll begin with the official opposition. Mr. Runciman.

Mr. Robert W. Runciman: Welcome to the committee. It's good to have you here. It was interesting to watch the video. I sense that it's perhaps, and you can correct me if I'm wrong, a response to the criticism last year and I guess this year with respect to your decision to close down the Queen's Park bureau and the concern that was expressed at the time about the lack of coverage. That's certainly why I'm here today. As Ms. de Wilde knows, I've communicated on a couple of occasions about my interest in this area. It's a long-standing interest; it goes back, I think, over 20 years. One of your predecessors, Mr. Herrndorf, appeared before this committee. I was sitting in the chair and raised the issue of coverage, or lack of coverage, of Queen's Park and the Legislative Assembly itself, and contrasted that with what's happening in other jurisdictions. The one I referred to at the time was New York state and Inside Albany, which was a half-hour program on a weekly basis devoted solely to the happenings in the state Legislature. Mr. Herrndorf shared that concern and interest and as a result of that was part of the Studio 2 development and the Fourth Reading component of Studio 2. It didn't satisfy my view with respect to the coverage, although it was helpful. I don't think there was any doubt about that, and people enjoyed Studio 2 and the Fourth Reading component, those who care about Ontario politics and the happenings in this place.

0940

Now, of course, that's gone, and I'm glad to see that you're planning to expand your involvement in Ontario issues. But I have to say that my concern is still there in terms of the mandate of TVO and education. I'm being quite frank, and I'm sure all of us, if we want to be open and honest about this, have people coming into our constituency offices on an almost daily basis who have no idea who's responsible for what, what level of government, whether it's municipal, provincial or federal.

A few years ago I had some people here representing a very large union in the province on a lobby day. Two women in their forties met with me to discuss their issues, and then I asked them if they'd like to sit in the House. They sat and observed the House in question period, and they came out after and were just elated; they just enjoyed it so much. They said, "We didn't know that this happened here. We thought it only happened in Ottawa." These were middle-aged women representing a major union. I was driving down the Thousand Islands Parkway on the weekend, on Sunday afternoon, coming back from my cottage and I saw a couple of "Re-elect Bob Runciman" signs out on the lawns. There is a real lack of understanding.

We saw some polling this week, and I don't think I'm feeling too much of the lack of appreciation and understanding of Ontario issues; it's the fact that people really don't know what goes on in this place. I think there are models; I don't think Inside Albany is operating anymore. There is a show called New York Now, through PBS again, which covers the happenings in the state assembly. I know that most states, through PBS, do provide that kind of intensive coverage that focuses on their state assemblies.

You contrast that with the focus on the federal—CPAC coverage is intensive. All of the commercial networks, whether it's Mike Duffy or Don Newman on politics on CBC or CTV's Question Period every week, focus on federal issues and federal politics and commentators who focus on those issues. There is a real lack of appreciation of what's transpiring in this place. I think that's a real problem. I think it's a role that TVO should be filling and has failed to fill, since its inception, really, to my way of thinking.

We're seeing even less and less coverage of this place now. We were provided with a column from Murray Campbell in the Globe and Mail, dated 2008. This was following the concerns about the closure of the Queen's Park bureau. In talking about how the coverage of the Park has diminished—he used 1988 as a marking line—he said there were "30 news organizations, full-time members working from offices in the ... building and ... 18 part-timers who were not given office space. Ten years later, there were just 18 outlets," and as of 2008, only 17 outlets. We know that some of that is with consolidation with the large news services, but we also know, those of us who have been around this place, that there just isn't the coverage of what transpires here.

In terms of the availability of the signal through the Legislative Assembly, if you take a look, Star Choice recently announced it's cancelling its coverage of Queen's Park. ExpressVu has never covered it. Rogers moved the signal up into the stratosphere, and we were talking about that earlier, so many people can't get in touch with it. Your channel used to repeat Queen's Park question period after 11 o'clock at night; it's my understanding you don't do that anymore either.

Those are my main concerns, and we can go over some of them in detail as we go through the day.

I also was told that you have a parliamentary bureau in Ottawa, and maybe you can just indicate quickly if that's accurate or not before I pursue—okay.

So we're getting mixed signals with respect to the Queen's Park bureau. We heard initially that the bureau was closed, and then we got some press coverage afterwards, "Well, no, the person who was assigned there had left." It must be close to a year now that there has been no one here, and even when Sue Kelley was here, it was on kind of a spotty basis. But you've maintained a parliamentary bureau in Ottawa. You are an educational network for the province of Ontario. Closing down an office in Queen's Park and maintaining an office in Ottawa with the Parliament of Canada, when they have all of the extensive, significant coverage available through CPAC, through all of the commercial networks and through the news networks is truly puzzling to me. I will get into a number of other areas afterwards, but I think this is a failure on the part of TVO. I'm not sure whether they feel that there's not going to be enough interest or viewership with a show like that. I'm not sure why it has never gotten off the ground when it seems that similar or comparable programs are available in so many other jurisdictions. I know you're trying to stress broadening your coverage of Ontario, and that's commendable, but I'm specifically interested in what I see as the continued erosion of coverage at this place. It was modest at best 20 years ago, and it's even worse today.

Ms. Lisa de Wilde: It's really good to get an opportunity to have this conversation with you. I'm pleased that you've put it squarely on the table this morning. It's a really big question. I hope I will manage to address all the various pieces that you've put forward. Please forgive me, this is my first time before a committee like this, so if I miss any of the factual questions that you raised, please do come back at me with them.

To start, it really must be underscored that TVO's commitment to covering what makes Ontario Ontario has never been stronger. That is the starting point for everything, because we are a provincial agency, and we're funded in large part by the government of Ontario. A couple of points, I think, of clarification might help.

TVO isn't, and has never been, a news organization, so while we have great impact in the province—it's gratifying to understand that TVO does reach 10 million people over the course of the year—at the end of the day, we are a small organization with limited means. Being a news organization is frankly something we've just had to cede to the really big public and private media organizations. That being said, over the last decade plus, TVO has built a real expertise in current affairs. The difference in the coverage that current affairs means is, I think, best expressed in what we now have in our flagship program, The Agenda with Steve Paikin, where every night we can take the issues that are the big issues of the day, of the week, and go deep on them. I would say to you that what TVO brings to the table that is unique is that ability to go deep in current affairs.

0950

I'd also share with you that I know the really smart team led by Steve Paikin and Dan Dunsky that builds that show every day really does watch the issues that are emerging and is convinced that there is no big issue that it has missed on The Agenda. That's something that they, as the journalistic team, feel very strongly about and it is something that motivates them, that defines the issues they are looking at and identifying as the big issues to be covered on the show.

To address specifically the question of the Queen's Park bureau, I think I would start by saying we're but a few subway stops away from Queen's Park and it doesn't take more than 10 or 15 minutes for some of our journalists to get down to Queen's Park when that is necessary. There has also been a tremendous change in terms of technology, so people can be monitoring and understanding what's going on without being physically present in an office. So I guess what I would suggest to you is, the fact that we don't have a physical office here has nothing to do with our passion for really thoroughly bringing to our viewers the big issues that are going on in the province.

To address the issue of the Ottawa bureau, we have one producer who has a work station in some shared

space in Ottawa, and that happens to just be something that—it's a fact of life, that's where he lives. He's part of a team and he just happens to be physically located in Ottawa. It's a bit harder to get to Ottawa than it is to hop on the subway and get downtown.

Another point to make in this is the commitment to raising the political literacy of the province. We completely agree with you, Mr. Runciman, that that is something we can make a real contribution to, and I think it's a wonderful illustration of where the new platforms, the Web-based delivery platforms, are ideally suited to creating and making accessible that kind of information about precisely what happens in question period: How do committees work; what's the role of committees; how does the budget get made? There's a lot that can be contributed in terms of demystifying the machinery of government and increasing the political literacy of everybody in the province. It's most exciting to think that it's something that can be done on an on-demand basis. It also could be really powerful as a tool even in the more formal learning situations of schools. But it can also be something that—you know, my dad is interested in it and he can go online and he can figure it out.

The kind of mindset that we're bringing to the challenge that you have laid out for us is really to say, "Okay, using the media tool kit that we have today in 2008, how can we best do something that will be high impact?"

Interjection.

The Chair (Mrs. Julia Munro): Okay, yes.

Mr. Robert W. Runciman: I guess I don't accept your position with respect to your being just up the street. I suppose the Toronto Star, the Globe and the Sun could take the same position, or anybody who's left in here at this place. Maybe we should close those offices and have MPPs who are over in the Whitney Block move into the main building if that stands up to scrutiny.

I guess you didn't in the Ottawa bureau issue—can you not appreciate the optics of that? You're an Ontario network, funded significantly by Ontario taxpayers, and you're keeping a bureau open in Ottawa while you're closing one here that covers the goings-on of the government and the taxpayers who fund you in a significant way.

You didn't respond to my comment about the question period rebroadcast, and I'd certainly like to hear that. I've never suggested that you should be a news organization, and I'm talking about the coverage. If you take a look at some of the examples of programs covering state legislatures, I think you'll see that this is an educational network, in my view, where they're dealing with MPPs of all stripes, committee chairs, committee clerks, committee researchers. They're trying to give a better and broader understanding of how these places function, the roles and responsibilities of members. Most people have no idea. They think we're working only when this place is in session. They don't appreciate the roles that members play in this place and beyond.

I'll get into this later, in the second round—and you didn't deal with this well—why you have never moved in this direction, or some of your predecessors. I'm not laying this all on your doorstep, although you have cancelled the one component that I thought was somewhat helpful, Fourth Reading. Is it that you simply don't think the viewership would be there, the interest would be there, or is it cost-prohibitive from your perspective?

Ms. Lisa de Wilde: To answer the question about question period, it is indeed broadcast on the signal at 1 o'clock in the morning.

Mr. Robert W. Runciman: It is.

Ms. Lisa de Wilde: Yes, absolutely.

What I should stress is, this is not at all a question of viewership. I think we, as an organization, do have to make choices. That being said, I really do want to try to convince you that in the context of The Agenda with Steve Paikin, we are able to devote more time and go into more depth when the issues are hot and when they are important and pertinent to people. So I would say to you that in the context of The Agenda with Steve Paikin, we are working really hard at taking those provincial issues, whether it's about the agrarian issues, whether it's about the impact of the closure of plants, how the economy is adapting, what's happening up north—those are all issues that become the subject of particular shows on The Agenda. It's just that the flexibility of our format allows us, when those are the big issues, to actually go into greater depth, and it's without, one could say, the rigidity of a specific half hour once a week. So that's the choice that has been made.

Mr. Robert W. Runciman: One final question in this round—no?

The Chair (Mrs. Julia Munro): Can we wait?

Mr. Robert W. Runciman: Sure.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move on to Ms. Horwath.

Ms. Andrea Horwath: It's very good to see you here this morning. I wanted to follow up on something that came from the previous questions, and that is around your Web-based initiatives. My concern arises from having actually spent some time in the north recently and the concerns that exist around lack of access to Internet services, particularly in some remote northern communities, where even children, which again is a big part of your mandate, do not have access to Internet at all. First of all, is this something you've thought about? Can TVO play a role, particularly in terms of the educational piece that you have for young children and others, in finding a way to augment access to Internet in remote northern communities—but also the extent to which this increased focus on that part of your work in Ontario is not accessible to children who do not have Internet access in their homes or in some cases their schools. Could you speak to those issues?

Ms. Lisa de Wilde: That's an excellent question and it's a really important one for all of us who see the tremendous potential that the Internet presents for education. I think that TVO's role is probably limited to creating the content. We probably don't have a role to play in actually extending Internet access. I think what

makes me feel optimistic about the scenario you describe is that Internet access is increasing at a rapid pace. We had some really good discussions just a couple of weeks ago with the people behind SLAAMB, the Sioux Lookout aboriginal reserve that's looking at how we can get into delivering GED testing. The same issue was raised, which is that it would be so much more adaptable if we could deliver the testing using the Internet. We looked at it, and the sense we had in our discussions with them was that it's not possible today, but within two years it is going to be possible. So the whole piece around digital media is that it's not a flash cut, where you flick a switch; it's much more of a gradual rollout. If you permit me a bit of a parenthesis in terms of the pace of change around digital media, it's hard to stop and say, "Four years ago, we didn't even have YouTube." Yet, today, 13 hours of video is posted to YouTube every minute. So just in the space of four years you had that kind of a change. You can take the example of the Olympics. Four years ago, 200 hours of video were streamed at the Olympics; this year, 2,200 hours were streamed.

1000

I just give you those as examples of how it's not happening fast enough, I agree with you, but it is happening, and I think that the importance of having great, made-in-Ontario educational resources for young children is really where TVO can make a unique contribution. What we create on television for kids stands alone. The good news is, we are on basic carriage and we are on ExpressVu and Star Choice as well as—if there are any small cable systems way up north. So the television signal stands alone and it provides unique, amazing content for children that starts with an educational outcome in mind, that has a teacher involved in the development and the creation of the content, and then, as access to the Web becomes available, the process or the experience can be richer. I would say to you, I absolutely share your desire to get the Web-based tools into the hands of more kids.

Ms. Andrea Horwath: That's great. It's interesting, because in the way that you describe the value of the television-based programming, I hearken back to the questions from Mr. Runciman. I think that his frustration—and again, I don't want to speak for him at all, but I actually have a lot of sympathy for many of the arguments or concerns that he raised, because in many ways, the opportunities to provide information about what's happening at the provincial level also exist with the television piece. I would agree with Mr. Runciman in that TVO is not necessarily maximizing those opportunities. I would say that there are—I'm trying to get my mum on the Internet, but she's just not going there. It's good that your dad is, but my mum isn't. She goes on to play her games, and that's good. It helps with her mental acuity and those kinds of things, but she has difficulty in terms of the Internet at this point.

Nonetheless, my point is that there are people who are either not going to or are not able to or cannot afford to access these—I mean, I watched the video and it was quite interesting. Many of the educational pieces around the provincial Legislature seem to be in your Web-based programming, not in your television-based programming. So again, I do believe that there is a possibility of an expanded role around these opportunities for Ontarians who do not access information through the Internet and would hope that you would consider that as a place that TVO can possibly be going in the future.

I guess my question would be, in terms of your strategic planning for the future—we've talked about where it has come from and we've talked about what's happening now, and you heard some of the concerns, not for the first time, I'm sure. Is there any opportunity in your future strategic planning to re-look at whether or not the television-based programming could become more Ontario-based programming?

I say that because not only is there an issue around what we don't see at this point, but I come from a community that used to have its own television channel. It doesn't anymore and it's now owned by a larger corporate media source. Our own local and regional news has been significantly reduced. We don't have CBC coverage in our community, so we lack this regional focus. It seems to me that TVO has or could have a role to play in some of that more regional type of information being provided to connect regions in the province with each other and provide that broader understanding of who we are in Ontario, from one edge of the province to the other.

Ms. Lisa de Wilde: I think you raise really important questions, and they are certainly ones that, in the context of our planning, which is something that we do on an annual basis, we're constantly looking at to see how we can increase the impact of TVO. Since Peter and I joined three years ago, impact has really been the touchstone of how we measure what we can do. We're always saying, "How can we do more? How can we get out there more?" That's why we are so excited as an organization to be taking The Agenda on the road this year. It's been a really long time since we've been able to have the means to get out into the province, so we view this as a beginning, but a very exciting one.

It is an example of where we use the television programs, really, as we said in the video, as the sparkplug for additional resources. But it's never at the expense—it's all about amplifying the impact. If you look at what we do in The Space, which is the kids' content for the after-school crowd starting at 3 o'clock in the afternoon, we very much use technology to make those links out in the community. We partner with different organizations like Let's Talk Science, which happens to be located in London, but that's just an example.

We also are starting to leverage new technology. There's Skype technology—which, if you have any university kids in your family, they know how to use for long distance. We figured out how to leverage it so that we can send one of our really talented hosts, Jackie, out of The Space. She takes a cellphone, a laptop and a camera and is able to actually move around the province, meet up with people, and it comes back into the

television signal. It's a small example, but I think it's one that we get quite excited about because it's a relatively low-cost way of expanding our reach.

I agree with you that, undoubtedly, technology is going to allow us to do more and to get out more into the province, and that's something that really does motivate us as an organization.

Ms. Andrea Horwath: Do I have time for one more?

The Chair (Mrs. Julia Munro): Yes, you do.

Ms. Andrea Horwath: I wanted to ask a little bit about the role that TVO plays in supporting made-in-Ontario programs, so specific programs that are made in Ontario. There has been some concern recently that that role has been declining somewhat. I'm wondering if there is capacity with TVO to begin to have more involvement again in made-in-Ontario programming. I say that in terms of the programming itself, but also the pieces that go into the programming in terms of the technical side, the knowledge side and the staffing piece. Is it possible to continue to do the kinds of things that you're talking about and expand that role without additional resources that would help with that made-in-Ontario programming?

Ms. Lisa de Wilde: That's a question that I think needs just a little bit of context, which is that we've had the great fortune of being able to rebuild in digital our in-house production capacity. Our ability to create made-in-Ontario content is really something that is a huge strength of the organization and that allows us to deliver on our mandate of providing something to the province that no other broadcasters are providing.

Every year, we're creating approximately 500 hours of made-in-Ontario, made-at-TVO content. A couple of hundred hours of that is children's content, and that's something where we've had a real commitment, to increasing the amount of that children's content, because it is linked to the Ontario school curriculum, so it is really meaningful. It's part of our strategy that we want to surround the school experience and help kids go to school eager and keen to learn, all tied in to the student success priority of the government. Definitely we've been expanding the number of hours of the kids' content because we think that is something we do that nobody else does and that it really does make TVOKids a different kind of destination, where we ask kids to work a bit harder, but we also believe that they are delivering and that they are learning and that it is contributing to them having a lifelong love of learning.

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In the case of our adult-focused content, we have The Agenda with Steve Paikin; we have Big Ideas, which is another example of a really great mechanism where we do reach out into the province. I did go back and flipped through the different lectures we created for Big Ideas, and probably a third of them were from universities outside of the GTA. Big Ideas is a great example of content that garners a relatively modest audience on the television signal and yet has a huge following as a podcast download. In fact, on iTunes it's the number one download in terms of educational content, not in Canada, but in Canada and the United States. So it's a really strong offering. I just wanted to make that pitch for Big Ideas.

In terms of Your Voice, we reach out into the province, bringing guests in; they may come into the studio, or we often use satellite to do those video feeds. We often do that on The Agenda as well.

I think with the capital rebuild that we were able to do we have streamlined and ended up with what we call modest, Jetta-like production facilities, but they're state-of-the-art and they're incredibly impressive. I would like to invite you all to come up to our open house on November 12 so you can get a really hands-on feel for what makes us unique. Thanks to that capital rebuild, we are positioned to produce a lot of content.

Listen, we have lots and lots of talented people who, if given the opportunity to dream and to do more, could of course do three times more; we could do 100 times more. But right now I think we have a really focused content strategy where we are obsessed with doing things that the market doesn't do. Could we do more? Of course. But we have good funding right now, we're on a solid base and we're very charged up about the upcoming season. As I said, it's letting us get out of the studio for the first time, and now it's really about what more we can do and how we can do it better and how can we have greater impact.

Sorry for going on like that.

Ms. Andrea Horwath: No, that's okay. Just a final question. You talked about children; we've talked about adult programming. The ones who are always the most difficult to communicate with, I would think, would be the young adults and teens. What do you have right now, and anything in store, in terms of that age group?

Ms. Lisa de Wilde: I have a dream on that one. I think that one, the way you characterize it, is the hardest demo to attract to television in particular. Teens in particular, young adults, are really increasingly tied into Web-based Internet experiences. We are a long way along in our digital conversion but we're not quite there yet. We have some more heavy lifting around our content management, but by the end of this year we'll be a long way along to being able to have easy access to our content.

What we're looking at is how we can mine the archive that TVO has built over the years and repurpose it and put it together in a way that becomes a compelling source of unique Ontario-based information and history. We know that we have created unique content that no one else has over the last almost 40 years. So it is a dream in the sense that I say we have to find a way to talk to young Ontarians and provide them with those kinds of Web-based tools, because otherwise they're going to go to Google. While there's nothing wrong with Google, it is I think really important in this century to be able to offer kids and young people in Ontario content and perspectives that are rooted in our reality. So it is on my dream list.

Ms. Andrea Horwath: But no specific plan, nothing specific in terms of implementation?

Ms. Lisa de Wilde: Not yet.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll move to Mrs. Sandals.

Mrs. Liz Sandals: Good morning, and thank you for coming. It has been very interesting to hear about all the exciting things that you're doing at TVO.

You mentioned in response to the last round of questioning the fact that you're moving towards digital, and we understand both that your licence—that the CRTC will require you to go there, and that there has been a significant investment by the provincial government in allowing you to convert to digital. I wonder if you could tell us a little bit about what that really means to you overall, the move from analog to digital, and what effect that has in terms of how you will have to reorganize your own resources and what impact that has on how you do business daily, but also what sort of opportunities that creates for you in the future, in terms of things that you will be able to do in the future that you're not necessarily able to do now.

Ms. Lisa de Wilde: Thank you. That's a huge question, and I will try and focus my remarks.

I did want to just point out that in the package we've prepared for you, we pulled together a few slides that we thought might help to illustrate some of these issues. If I were just to turn you to page 6, it's a slide—

Interjection.

Ms. Lisa de Wilde: That's right, exactly—this. On page 6, we tried to graphically show how all of the different pieces are linked. So that is today, in digital. We are already so much more than simply a TV station that creates television programming. We create amazing, innovative, Web-based products—that's the tvo.org.

I should just mention tvoparents.com, which is a unique, Web-based suite of resources that gives parents access to experts on educational issues. Again, it's not something that anybody else does, but it ties into our strategy of partnering with parents so that they, in turn, can be more effective partners in their kids' education. So that's one take on it.

Let me just direct you to this lovely diagram, which is a simplified way of—

Mrs. Liz Sandals: What page are you on?

Ms. Lisa de Wilde: Page 13; I apologize. It describes really what the digital value chain looks like. It starts with the creation of content, it goes into the management of the content and then ends with the distribution.

We have, over the last couple of years, been really focused on upgrading and rebuilding the creation capacity within TVO. What that means, in its most tangible form, is that our cameramen have new, state-of-the-art digital cameras as opposed to the old analog ones that they were holding together with duct tape a couple of years ago. It means that we can create content with more certainty that everything's going to go right. Because in a sense, going digital wasn't really an option; the whole industry was going digital. It was a global phenomenon, so we didn't really have a choice. We had to get there or become irrelevant. So the great news is that we've been able to make that move, thanks to the investment on the part of the province.

We're now moving through that value chain, so we have the new studios up and running and we have the new field cameras, so when we go out into the field and do The Agenda on the road, we have this amazing airpack, which is a studio in a suitcase that will allow us to do that very simply and easily.

The content management piece is way more complex but also way more powerful. That's where we will be able to make content once and use it many times. It's content that could be on television, it could be on our website, it could be on Yahoo's website, it could be on Joost; it could be on many different platforms, but the beauty of digital is that it's made once and then it can be repurposed easily.

In both the content creation piece and the content management piece, digital means a huge effort around retraining. It's very exciting, but it's also a bit scary. And so over the last couple of years, the organization has been really involved in an intensive retraining exercise for—most of our 365 people on the team have had digital touch them in some way. If you're a cameraman or if you're an editor, it's been more dramatic, more of a really immediate impact on your job, but everybody realizes that what the organization can do is changing. So I think it's giving birth to a great sense of innovation and what more we can do, and it's really gratifying and exciting to see people come up with new ideas.

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There's one idea around—when we go with The Agenda on the road, we're going to obviously have a studio audience and do that kind of a town hall type of format. But the day before, some of the really smart brains at TVO have come up with something called Agenda camps. This is like—an "unconference" is what it's called.

Mrs. Liz Sandals: An unconference?

Ms. Lisa de Wilde: An unconference. And it brings together people from the community who are interested in issues of public policy. Specifically, the issues that we're going to be talking about are what's happening in the different regional economies of Ontario. It will bring together members of the community, and, in a very new-media way, resources will be created. So there will be essentially a wiki of that experience, where people are bringing forward ideas, debating them, talking about them, and it'll be captured on video. That's an idea that wouldn't have been possible a couple of years ago. Now, our producers are able to come up with new ideas that are out of the box. And that's all thanks to digital.

That's just one example, and then as you move along the value chain, distribution is the last piece of it. We'll be focusing on upgrading our master control, which will give us a better signal and it'll also give us some additional capacity around things like descriptive video, which is an important piece.

And then the last piece is the over-the-air transmitters, and that's a big issue that we have to take into account and figure out what is the best plan.

Mrs. Liz Sandals: We were talking earlier about the degree to which you're able to get out into the regions and reflect what's going on with content about regions. So if I'm understanding you correctly, then, the move to digital broadcasting will actually enhance your capacity to get out and do regional content, because you don't have to be in a studio any more to produce good quality. You'll now be able to travel much more easily and produce good quality with the mobile digital.

Ms. Lisa de Wilde: Yes, our airpack is a powerful tool. Going out into the field is a costly exercise, and we're a pretty buttoned-down organization when it comes to how we manage our costs. But certainly, digital is more nimble and it allows us more flexibility. So I think going forward, the potential is very exciting, and now we have to just figure out where we leverage it to make that impact.

Mrs. Liz Sandals: We've really focused on the TVO side of the operation and we haven't really talked about the Independent Learning Centre side of the operation. I wonder if you could just bring us up to date on what sort of initiatives you've got with the ILC and, again, where you see the ILC going in the future. So, currently, what are you doing and what are your future plans?

Ms. Lisa de Wilde: The ILC is a unique resource that allows people of whatever age to pursue high school credits, ultimately with a view, if they choose, to getting their high school diploma. In addition, we are also the only place in the province that's licensed to do the GED, which is the high school equivalency test. So in the case of the ILC, it really is something that fills a lot of gaps. And I think as we look forward, there's a digital possibility for it as well, in the sense that we can migrate more and more of the course work onto the Internet, which just makes it a more flexible way—and I think to respond to the idea of that's where a lot of the older teenagers and young adults are turning and expect to be able to get their products. So in terms of the future of the ILC, it is very much one of a digital strategy that is in evolution and in development.

In the case of the GED, that's one where right now we have one illustration of working with SLAAMB up north to be really responsive to an emerging demand. Suddenly, there are some really important economic developments in new mines, a couple of new hospitals, and people need to get their high school equivalency to be able to take the apprenticeship positions. That's one where we have to be really responsive and find a way to get the prep work done in those communities and, most importantly, the testing done. In many cases, those are fly-in communities where being able to get your high school equivalency is going to change your life, because you're going to have access to a job that you otherwise didn't.

To come back to the ILC and getting your high school diploma, every November we do graduation ceremonies, and it is truly heartwarming to see the range of people for whom getting your high school diploma outside of a traditional secondary school is, again, a life-altering, great moment. Sometimes, they're people who were just out of high school, missed a few courses, and they need to fill it in and then be able to go on to university. But sometimes they're people who have been out of high school, never got their diploma—they can be moms who are 50—and haven't told anybody that they're even working on their diploma, and it's a big reveal and a big deal. It's lots of small, happy stories where the ILC does something that really does move people to a better place in their lives, and that's pretty exciting.

Mrs. Liz Sandals: Actually, I agree with you. As somebody who's attended a lot of high school graduations and commencements in my life, my favourite is actually our local school of continuing education where adults have come back and struggled through those credits they need. Often we'll even have a few seniors for whom this has been their life goal, to get their high school graduation diploma.

One of the challenges that we face in northern communities is trying to provide a full range of credits for students who are in northern secondary schools in remote locations, and I know from work that I've done in the north in the past that one of the ways in which you can extend the capacity of a really small secondary school to deliver a wider range of curriculum is to have the students picking up some of the credits using the ILC format. I'm presuming that once you move to digital, there will be greater capacity to put some of that through satellite, because a lot of northern communities are more likely to have Internet access through satellite than they are through more conventional powers. How is that all going to work together? I know it's often crucial to northern education that you have some capacity to pull some of those credits from someplace other than local delivery.

Ms. Lisa de Wilde: Absolutely, and that is very much a strength of the ILC, that it does allow you to take more specialized courses, perhaps a third math course. It might not be calculus—you could take algebra as well. On the question of delivery, really, however the Internet is delivered—if it is on satellite, so be it—it needs to be an Internet-based delivery system so that it's cost-effective, because video delivery by satellite is just cost-prohibitive.

It's coming. It's not coming as fast as you'd like when you're all the way up north, but it is coming, and I think it is just a question of us being at the same point along our development so that we can leverage it when it is possible.

Mrs. Liz Sandals: We've had a lot of conversation, if we go back to the mainstream TVO, about coverage of issues and politics in Ontario. I used to watch Studio 2 and Fourth Reading. Now that you've moved to The Agenda format, my sense is that viewership for that has grown and been very steady and devoted.

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It's always hard to let go of one thing and move to another, but I wonder if you could give us a bit of a sense in terms of hours of coverage. The format has changed

but, in terms of the total time that you're devoting to issues in Ontario, has that really changed?

Ms. Lisa de Wilde: It's an interesting question. I don't have the precise breakout, because that's not something that I just have at my fingertips. I can get that for you if it's interesting.

I think the way to really look at it is that what The Agenda sets out to do is to put the viewer in the centre of the big debates and the big issues. The reason that is the defining feature of the program is because we listen to what we're hearing from our viewers. The research we were doing told us that people wanted depth and they wanted more voices. I really understand why people are seeking depth because, when you look at the multitudes of news outlets that are out there, an awful lot of it is about sound bites and it's about who is doing what to whom, in a very abbreviated and un-nuanced way. What our team at The Agenda does is really provide way more about the "why."

I think there's a real interest on the part of a lot of viewers in understanding things. People know that the world is complex, they know that things are interconnected, and a lot of people really want to understand those interconnections. That's also one of the reasons why we cover things like what's going on in China and the economy there, not simply because China is a big ecnomic power but because what happens in China does impact Ontario. In order for us to really understand as a province how to be more and more successful, we need to understand what's going on out there. The world has become so interconnected, and I think people understand how complex it is. I find it really gratifying that there's a larger audience for current affairs today than there was two years ago on TVO. The Agenda with Steve Paikin wins in its time slot for current affairs. I find that an incredibly optimistic piece of data about where people in the province are at. They really do want to sink their teeth into it.

In addition to that television experience, there's a really avid group of several thousand people who are in the online community communicating and adding to the debate and contributing to the debate. I find that really exciting.

Mrs. Liz Sandals: So the viewers are obviously eating up the new format. I must say, as a politician, that it's very gratifying to see some venue in which the discussion takes more than the 10-second sound bite and people actually dig a bit deeper. Thank you for that.

I think I must be almost out of time.

The Chair (Mrs. Julia Munro): Actually, yes. We'll save questions, then, for the next round. We'll move back to Mr. Runciman.

Mr. Robert W. Runciman: How much time do we have?

The Chair (Mrs. Julia Munro): You have about 12 minutes.

Mr. Robert W. Runciman: Okay. Just off the top, there's a question I wanted to ask at the end of the last go-round. You heard my comments about the lack of access to the parliamentary channel now, the legislative channel, and you indicated, which is positive, that you're re-broadcasting question period at 1 a.m. Would you ever give consideration to broadcasting it live, now that it's at 10:30 in the morning? I guess that's the change; it could still be 10:45 this fall, but starting next year, assuming the majority government will get its way, it's going to start at 10:30. I just wondered if you'd ever consider taking a look at doing that, given the reducing availability of the legislative channel.

Ms. Lisa de Wilde: That's a tough question. Where the television signal is a relatively inflexible one is revealed in how we could answer that question. We've made a promise to kids in Ontario that from 6 a.m. in the morning until 7 p.m. at night, kids and parents can count on TVO to deliver a commercial-free, high-quality, trusted educational experience.

Mr. Robert W. Runciman: That's understandable and I appreciate that.

Ms. Lisa De Wilde: So the rigidity of TV is that breaking up that uninterrupted offer is a really tough one.

Mr. Robert W. Runciman: I'll rephrase the question then: Would you consider doing it in a time slot that's more likely to be available or viewed by Ontarians?

Ms. Lisa de Wilde: I'm thinking that this would be a perfect offering to stream live on the Internet.

Mr. Robert W. Runciman: Well, that's being done. I guess the answer is no.

You talked about winning in this time slot, which I thought was interesting. I can understand that you want to have success with a program like The Agenda, but I didn't think that winning the time slot was the goal of your organization.

In any event, you say you've been listening to viewers. Over the last couple of years I've seen press reports, I don't know whether they're accurate or not, about your membership dropping—this was in a Windsor Star editorial—from 100,000 at the end of 2004-05 to about 65,000. What are your membership numbers today?

Ms. Lisa de Wilde: Today we have about 75,000 members.

I think that the question of self-generated revenues, because that's really what donors are a part of, needs to be understood in its totality. Self-generated revenues for an organization like TVO will always be a big challenge, but that's not surprising, because TVO is there to fill a gap that the market isn't serving. I really do think that's one key leg of the stool on which TVO is built.

Mr. Robert W. Runciman: Some elements of it are, but not all of the programming, I would suggest, fits your description.

Ms. Lisa de Wilde: I can assure you that when we set out to schedule the network on TV and on the Web, we're motivated to do things that are unique and that aren't provided by other broadcasters. In the case—

Mr. Robert W. Runciman: I want to get my points on the record here and I only have a few minutes.

Ms. Lisa de Wilde: I wanted to just lay out for you the question of earned revenues. In the context—

Mr. Robert W. Runciman: I'm sorry; I don't want to hear that. I'd like to go on to something else here. Your membership obviously is down from 100,000 in 2004, even if it has gone up slightly.

This editorial in the Star mentions as well that you don't release your viewership numbers to the public, even though the taxpayers are kicking in most of the money. Is it still the case that you don't release your viewership numbers to the public, even though you were exulting over The Agenda winning its time slot?

Ms. Lisa de Wilde: The fact that The Agenda wins its time slot is a really gratifying piece of information, precisely because—

Mr. Robert W. Runciman: Why don't you release all of your viewership numbers?

Ms. Lisa de Wilde: If I could just—

The Chair (Mrs. Julia Munro): I'd just ask—

Mr. Robert W. Runciman: I don't mind having questions answered—not going off into other areas that don't deal with my questions.

The Chair (Mrs. Julia Munro): Okay. We'll go back to Ms. de Wilde.

Ms. Lisa de Wilde: In the case of The Agenda, the viewership numbers are relevant because it's a piece of content that is consistent with our educational broadcasting strategy. Of course, if we were running American Idol, we'd have way bigger viewership numbers. So, when I say when we're not a viewership-driven network, that is a cornerstone of our strategy. We are guided by some of the viewership numbers when it's falling within our strategy, but it has to start with, does it fit within our educational broadcasting strategy?

Mr. Robert W. Runciman: Why don't you release those viewership numbers publicly?

Ms. Lisa de Wilde: Some of them we do, just like any network.

Mr. Robert W. Runciman: Why not all of them on an annual basis?

Ms. Lisa de Wilde: We've put some of the key numbers in our annual report, and we're happy to do that.

Mr. Robert W. Runciman: Sure, and you're going to put in the ones that look good, I guess. I would suggest that if you're going to do that, it should be consistent; you should release them all so people can have a better assessment of value for money. I know you spoke, in your financial strategy, of value for money, and we'll get into that a little later, if we have time.

I assume, I may be wrong on this, that The Agenda is the most costly production at TVO.

Ms. Lisa de Wilde: That would be fair.

Mr. Robert W. Runciman: Can you tell us what the annual cost of producing that show is?

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Ms. Lisa de Wilde: I don't have that breakdown. If you look at our in-house content, it's about two thirds of our programming budget. So it would all flow back from that.

Mr. Robert W. Runciman: Okay. I will ask if you can provide that information to the committee.

Ms. Lisa de Wilde: We're happy to do that.

Mr. Robert W. Runciman: It would be helpful.

I got something in the mail a while ago, a DVD: Steve Paikin—year two of The Agenda. I don't know if that was put out into the video shops; I haven't seen one. I'm sure it's probably not doing as well as season one of Dexter. I just wonder what the cost of producing something like that is, as well as the distribution costs—if you could provide that to the committee as well.

I'm just wondering, since the hiving off of TFO, have salaries of senior management been impacted by the reduced responsibilities in terms of not having both arms of the organization? Has that had any impact at all?

Ms. Lisa de Wilde: The hiving off of TFO from TVO: It has been a big change to the organization but, in a sense, at the end of the day the back-off as functions of finance, IT, HR, were essentially functions that have to be provided whether we have TFO or we don't have TFO.

Mr. Robert W. Runciman: So nothing has happened.

Your road show that you're talking about for The Agenda this coming season: I've heard—I was called about this, whether it's accurate or not, so I'm asking for your view—that you've hired an outside firm to develop that rather than using people within the organization. If that's true, I just wonder—the complaint was, of course, that you have the talented people, and you've mentioned the talented people in the organization—why you would go outside and at what cost?

Ms. Lisa de Wilde: TVO often uses freelancers to augment the teams when we need additional capacity, so The Agenda team is running The Agenda on the road. We may be, because it is an additional—I mean, it's a big effort on the part of the organization, so we may have added some freelancers, but it's only to augment the team that's there.

Mr. Robert W. Runciman: Okay, well, I'd appreciate getting the information on costs associated with that as well.

The financial strategy which was outlined in your document—and you have three priorities: reinventing the revenue model, reducing cost base, and value for money. I don't have time to get into this, but it would be interesting to know at some future point if you can provide us with what you've done to reduce your cost base.

The value-for-money issue—I'm curious. When you're assessing your financial strategy in becoming financially sustainable, how do you define internally that you're getting value for money?

Ms. Lisa de Wilde: Some of the benchmarks that we would use are to look at other provincial educational broadcasters. One of the clearest metrics that we use is to take the total public funding we receive from the province of Ontario and divide—let me back up. The $3-per-person-in-Ontario metric that we have developed is one way we express the value that we represent to the province. When we compare that to the cost of our sister network in Quebec, they're about $7 a person. We're sort of similar large markets, so that's one benchmark. In terms of value for money, it is about being really focused on

how we do things in a way that is modest and that has limited focus. So when we built our digital studios, we moved from five shooting spaces down to three. That was about doing things in a modest way. Those are the types of exercises. I'm happy to address the cost base. We had a couple of floors. We gave up two floors of the building precisely to reduce our costs.

Mr. Robert W. Runciman: Okay. That would be helpful, if you can give us that information as well.

How much time do I have left?

The Chair (Mrs. Julia Munro): A minute.

Mr. Robert W. Runciman: One of the things I wanted to get into, but obviously I'm not going to have time, is that I clearly believe that we're going to have to encourage the government to take a look at this memorandum of understanding. It was indicated that it's going to be before Management Board this fall. I haven't looked at it; I'd like to look at it, if that's possible. I think we have to clearly spell out—I know we can't get into directing decisions in terms of what's going to be on and what's not going to be on, but in broader issues, if the CRTC can say 60% Canadian content, I think we have to do something there in terms of requiring coverage of the Legislative Assembly and perhaps an Ontario content requirement as well.

I did get some e-mails—and again, this may not be fair to you or fair to the organization, but maybe a brief comment. The suggestion from a couple of people was that since all of these changes have transpired over the past couple of years, morale in the organization is at the lowest these folks have ever witnessed. Perhaps you'd like to speak to that issue, how you see morale within the organization.

Ms. Lisa de Wilde: Yes, I'm happy to do that. That's not at all my sense of the organization. I think there's a great sense of excitement and pride that we've been able to modernize the production capacity in-house. I think there's a sense that the organization has increased impact and has the ability, going forward, to further increase its impact. I think there's a tremendous amount of excitement around what new web-based activities we can do.

I don't have any specifics, so if you want to talk to me off-line, I'm happy to do that. But in terms of answering the general question, it's a pretty pumped-up place.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move on to Ms. Horwath.

Ms. Andrea Horwath: I'm interested in your comments about the reduction from five shooting spaces to three. Can you talk to me about what that's done in terms of your staffing levels?

Ms. Lisa de Wilde: It hasn't changed our staffing levels.

Ms. Andrea Horwath: Staffing levels have not changed at all?

Ms. Lisa de Wilde: No.

Ms. Andrea Horwath: So you have the same amount of staff.

You spoke in your initial comments about the 500 hours of original TV programming. How does that compare to the past and how do you see that changing, if at all, in the future? More than 500 hours of original TV programming is what you're saying now—

Ms. Lisa de Wilde: In-house, just to be precise; it's the 500 that are created in the shop. That has probably declined from when we had the daily show in the afternoon, the More 2 Life, just to put that card on the table. I think right now, we are operating at capacity—

Ms. Andrea Horwath: No, I'm asking how many hours. So if it's 500 now, how many would it have been three years ago, five years ago—

Ms. Lisa de Wilde: Let me just check. As I said, when we had More 2 Life, it was around 700. It has now come down to slightly more than 500.

Ms. Andrea Horwath: Does that have any impact on your ability to obtain revenues in the future? If you're reducing your development of in-house production of original programming, how does that then impact your ability for future revenue streams, if you're reducing that piece? The other thing that I noticed is that in some of your documents, you talk about making new content available through innovation and distribution, but you also talk about being "a smart aggregator of content"—which doesn't say a developer of content, but "an aggregator" of content—and "to distill and provide context to the complex issues that are shaping our world." It seems to be a shift in focus from producing original programming in-house to becoming a collector and distributor of information, particularly as you focus a lot of your comments around your new digital capacity; again, that's to a broader audience than what your mandate would suggest as being public service.

I guess I'm trying to figure out, are you an Ontario public service, and if you are, is that your focus? Then, if that's your focus, shouldn't there be a commitment to in-house programming that speaks to that mandate as opposed to the World Wide Web and competing with other broadcasters for smart aggregate content? Some of it goes back to the previous comment. Are you in this to be competitive with other broadcasters or are you in this to be a public service for the people of Ontario, and then how do decisions like reducing original programming play into that as well as your opportunities for future revenue?

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Ms. Lisa de Wilde: Let me take a try. To be absolutely unequivocal, we are a public service Ontario broadcaster, made in Ontario.

Ms. Andrea Horwath: For Ontarians.

Ms. Lisa de Wilde: Made in Ontario, for Ontario. So when we talk about the Web, it's in the context of that sort of umbrella. First of all, it has got to be educational, and secondly, it has to be Ontario. That's what makes us unique. We're not competing with anybody else.

In terms of my—

Ms. Andrea Horwath: Just for clarification, though, you did talk about competing with Google and all of these other—so it's quite clear.

Ms. Lisa de Wilde: Thank you for coming back and highlighting that. When I say, "competing with Google," it's that I think there's a real need in the province of Ontario to have made-in-Ontario resources available online for kids, teenagers, young adults—and my father—in Ontario.

Ms. Andrea Horwath: Maybe someday my mother too.

Ms. Lisa de Wilde: Okay, absolutely. As a matter of fact, I always think when it comes to the Web, you just have to give people a reason and that's what will get them over that hump. It is about providing something that is uniquely Ontarian and that has an Ontarian perspective. So it's that, in the world where Google is everywhere, how do we carve out a place that is uniquely about what makes us Ontario?

In terms of my smart aggregator concept, I think of that as the 21st century version of a broadcaster. A broadcaster traditionally was something that pulled together and produced a package of compelling content.

Ms. Andrea Horwath: But the most important thing that I'm concerned about is the hours of actual in-house production.

Ms. Lisa de Wilde: And on that, I could not be clearer: When we create in-house content, that's what allows us to do what TVO is, so our commitment to in-house content is sacrosanct.

Ms. Andrea Horwath: But the trend is reducing.

Ms. Lisa de Wilde: Well, listen: I think that, in the context of 2008, one has to look at the totality of the media resources that we create, so TV programs are an incredibly important part of it, but all those other Web resources are also a part of the picture. For example, the websites, the blogs, the Agenda camps I talked to you about, the fact that using the video player on TVOKids—on tvo.org—you can access content, the microsites that we create for documentaries; tvoparents.com is an amazingly important resource. That, the 40 hours of your voice that we create, isn't included in that 500 hours because we have this CRTC definition of television content. But those hours are amazingly impactful.

Ms. Andrea Horwath: Do those hours generate any revenue for TVO, the web-based—

Ms. Lisa de Wilde: If you're talking about building new revenue streams from the web distribution, that's a business that's just beginning.

Ms. Andrea Horwath: So, no, at this point that's—

Ms. Lisa de Wilde: No, but I would hope that you would just let me expand for a moment. If you don't play, you can't win, so it's really important that we've been able to start to put our parents' content, for example, on the Yahoo site. We're now out there being seen by people in a way that is really cost-effective because Yahoo has a lot of eyeballs and it is about impact and about getting our content into the eyes and the hands of people who want to use it.

Ms. Andrea Horwath: Your in-house programming that has gone from 700 to 500—a little bit more than 500, you said—what kind of revenue stream has that been and has the revenue stream declined in the same proportion as hours?

Ms. Lisa de Wilde: That's a really good question, and it allows me to provide a bit of context around the sale of content that's created at TVO. I think that the more unique our content is, the more Ontario-specific it is, the less there is in fact an international market for it. So that is a business that is mature and declining. That's something that's a worldwide phenomenon: More and more markets are turning to their own domestic content. That's just a fact of life, and that's been going on for at least the last decade. So there really is sort of an inverse relationship. The more we hone to what makes Ontario Ontario in our kids' content, and certainly in creating current affairs—there's really never been an after-market for current affairs, because it's time-specific and it's location specific.

So when we look at the revenue potential going forward, it really is about getting it onto different platforms and then being able to earn the pennies that are associated with digital distribution and those pennies multiplying. But it is for every media player—I've been in this business for longer than sometimes I can count. I've been watching the way Canadian broadcasting has evolved for the last 25 years and in the last few, we've seen huge changes. To me, it is all about how you tap into the potential and how you start to play in the new media world. That's why we've partnered with people like Yahoo or Joost, because we think there's a potential to grow new revenue streams; we know that other revenue streams are becoming mature, and it's always a question of juggling the two.

Ms. Andrea Horwath: I guess what I don't understand in your contextual description of the decisions that are being made around in-house production is, if we go from 700 to 500—I don't think you answered the question—is there actually a reduction in revenue stream as a result of that decision? Rather, what you said is that the trend is out of the international market in terms of value for these kinds of programs that are produced in-house. It seems to me that if you're saying that the overall market isn't there any more, plus you're reducing the amount of in-house programming, isn't that a double effect in terms of reducing revenue?

The other piece to that is, again, this thing I just don't understand in terms of—you keep insisting, "Yes, we're for Ontario; that's what our job is. We're an Ontario public service," and yet we're talking about international markets. I guess I'm just trying to figure out where the piece about in-house production fits going forward. If we're already on a downward trend, and you're saying it's not generating revenue, are you seeing even a further decline in the future? What is the implication, then, for your mandate about being an Ontario public service?

Ms. Lisa de Wilde: I'm trying to separate out the strands. The role of in-house content is core to our strategy; and going forward, it is the core of our strategy. So—

Ms. Andrea Horwath: So you don't anticipate significant reduction?

Ms. Lisa de Wilde: I don't see any reductions, and in fact I was trying to persuade you that the broader way to understand all of the content we create is to take a look at the TV, but also to understand that all the new web-based content is also content, and it's also unique, important Ontario content. So I come back to your voice, because I think it is unique content that empowers parents to feel that they can really understand the important issues around their kids' education, whether it's about how much homework should they be doing, does your child need a tutor, what happens when you see bullying in the schoolyard, are kids overprotected, are they not given enough opportunities, what do you do with a gifted child. Those are all really important issues that we, uniquely, tackle. So that content is on top of the 500 hours. I think to even talk about the reduction is not to fully appreciate the full suite of content that we create, which includes TV and the many new web results.

To address your question of the revenue impact, I really think that they're not connected. The ability to sell made-in-Ontario content has been declining for years and years and it's a challenge that everybody who creates content, all the independent producers in the country, struggle with. It's a really, really tough financial equation. Peter O'Brian, our chair, has tried valiantly in the case of feature films in Canada. It's a Herculean task to create content and actually make it make money, which is why we're privileged to be in the position of being a publicly financed organization. That allows us to make content that the marketplace wouldn't finance.

1100

The Chair (Mrs. Julia Munro): That's the time available. Ms. Broten.

Ms. Laurel C. Broten: I want to see, in the questions that I want to pose, if I can't tie together to some extent the issue that you were just discussing, which was with respect to the measurables of viewers over the Internet and on TV.

I'm wondering whether or not the investments in terms of digital and the direction of the future will allow TVO at some point to move to an on-demand strategy, where you actually can see the connection between accessing on the Web when you want it and accessing on TV. I was commenting the other day to my spouse that our children will really never know a world where there's no on-demand. At almost three years old, they do demand a certain TV show at a certain time and really don't understand when you say, "Well, that's not on right now." I would hope that some of the TVO programming would allow us to move in that direction at some point in time because I think it's critical for the modern world and some of the exact stakeholders and viewers that you are trying to assist in this educational platform.

Ms. Lisa de Wilde: I couldn't agree with you more. I think that the whole trend is to on-demand. It's about customers as young as your three-year-old thinking that's how media is consumed. What we've been doing over the last couple of years is getting ourselves organized so that in fact that is the way we are consumed.

When you think about what's often called IPTV, Internet protocol-based TV, it will be about each individual being able to literally customize what their TVO offering is. It will be like "my TVO." If I'm a documentary junkie, I would be able to watch nothing but documentaries and literally create my playlist and tap into them. We have a very interesting idea around the kids' content. It's to be able to take all of the elements of Gisèle's Big Backyard and organize them by what elements serve literacy, what elements serve numeracy, so that you could in fact create a playlist that would allow you to really focus on something that your child might actually be struggling with at school. It would be a different kind of homework help. Those are very much the types of things that, when we've completed our transition to digital in terms of content management, we will be able to offer. I think it's incredibly exciting.

Ms. Laurel C. Broten: Will the current measurables that now tell you, with respect to viewership and the questions that Ms. Horwath was asking—does a move to on-demand allow you to measure your success rate in a different way? Right now, if I view a program over the Internet, that's not counted in your numbers; is that right?

Ms. Lisa de Wilde: It's not counted in our television numbers, but we already have viewership numbers in terms of our websites. We have over three million unique visitors who come to the totality of our three websites, and that is increasing. The kids' piece is really strong. We've added the video player, which is now on TVOKids and TVO.org. The video player allows you to go in and stream video. We are able to track those numbers, absolutely, so that is something that we're starting to do.

Ms. Laurel C. Broten: With respect to the important step that was taken to sever off and give independence to TFO and one of the proponents of that French-language service in the province, the one thing that I still think could be uniquely Ontario is to see some minor French content within the mainstream TVO, to the extent that you might see on some of the US networks, where you'll have other languages being played within the content of kids' shows; they'll be learning another language. I wonder if that's something that your main TVO programming sees, that there's still a unique Ontario element in that there's a very significant number of anglophones who are interested in having their children learn at least some French language but who might not be able to have those kids follow the full TFO programming because of the level of intensity of the French language.

Ms. Lisa de Wilde: That's an idea I'm happy to take back to the shop and talk through with our programmers and just see how we could make sense of that.

Ms. Laurel C. Broten: The other thing I'm wondering: In terms of your parent website and the information that's available there, is it your ultimate goal to flow some of that content to TVO in terms of assistance to parents? The moms I talk to in my community—I think we've all transitioned, so if your kid bumps his or her head, you don't call anybody; you go on the Internet and

look up "Bumped head: What do you do?" But to some other extent there are times of the day when TV content is more accessible to a busy mom; she's cooking in the kitchen, her kids playing. Is that something you see doing with some of that content?

Ms. Lisa de Wilde: Yes. In fact, with Your Voice we are playing with the start time. When we launched it, we put it at 1 o'clock in the afternoon, thinking that that might be the right time. Now, this fall, we're putting it on the Web at 9 o'clock on Tuesday night, and also adding it to the broadcast signal so it's on at 4 o'clock on Sunday afternoon. I would also point out that it is available on demand, so if you don't catch it on the Web when it's being streamed live, you can go back into the archive and pull it up. So when you do go online about the bumped head or the equivalent, it's there to be pulled down.

Ms. Laurel C. Broten: I can't overemphasize enough, like you, that it is so important that, as Ontarians search for content on the Internet, we start to see more Ontario-based content. I think we have a unique perspective here in the province, and we're proud of various services and perspectives with respect to education specifically and health and other things. There is so much of the content you pull up on the Internet that is US-based. As I'm sure all of you are, I'm proud to live in Ontario, and I'd like to access that information.

I know my colleague has a couple of questions.

Mr. Kevin Daniel Flynn: How much time do I have, just so I can be brief?

The Chair (Mrs. Julia Munro): You have five minutes.

Mr. Kevin Daniel Flynn: Okay. That's great. That will be more than enough. Thank you.

I've got a particular question on the Civics 101 initiative you have coming out for the 2008-09 season. I think a number of us around this table probably pay visits to schools and talk to the kids in grade 5. The first question I have is, is this aimed at the grade 5 level? That's when they take civics in school. Is that where you're starting from?

Ms. Lisa de Wilde: No. In fact, it's aimed at a broad audience. I would like to think that it would be relevant to grade 5, but it really is aimed at anybody who's interested in the questions about what makes our government tick, how does the political process unfold? I really believe that it is about increasing political literacy, and that is something that isn't specific to grade fivers.

Mr. Kevin Daniel Flynn: I'll tell you something very specific that would be of some use to me, and I don't know if it would be appropriate that that be channelled through TVO: Certainly when I go into the classroom, what the schools will do is bring all the grade 5 classes together, so you have about 100 kids at once. The idea is that you get 30 or 45 minutes with them, and you want as much interaction with them as you can possibly get. You want them to talk to you as much as you want to preach to them or tell them what government is all about in a very non-partisan way. Is there a CD available or are there highlights of your program that would be easily distilled down to something you could show to a class or to a group of grade fives in three or four minutes that would wrap government up in a nutshell?

Ms. Lisa de Wilde: I think the way this suite of resources will work is that it very much could be downloaded into little capsules that you could put together into that kind of teaching resource. It's very much in its development. It's conceived as something that will have lots of stand-alone pieces that will answer the questions. Frankly, it will be something that can evolve. We'll be constantly adding to it.

1110

Mr. Kevin Daniel Flynn: The visits have convinced me of two things. The first thing is, I think you're the best person you're ever going to be in your life in grade 5; I think you're open to new ideas and you're still not really jaundiced—and that there is an interest out there that, if you engage kids in the right dialogue, they're interested in government, that it's not something that is somebody else's job; it's their job.

Just one quick question: A lot of the questions have been around the viewership and who is watching. I think if you look at communications, politics has gone from being entertainment—at one point, when the candidates came to town in the 1800s, it was a big deal. Everybody went out to the church basement and that was the show for the year. Now you're competing with other forms of entertainment, and there seems to be a desire that we have politics on TV or that people are able to access their political system through that medium. Are we being honest with ourselves, though? With all of the competing interests, is there truly an interest in what happens at Queen's Park? I know people who are interested in my community who would watch this program religiously, but I could probably count them on both hands.

Ms. Andrea Horwath: It's your family.

Mr. Kevin Daniel Flynn: Yes, it's my family; it's my sisters. My sister's probably watching right now.

Is there a market out there? Are we fooling ourselves? Is there truly a market that wants to watch question period every day, or would we be putting it on just because it's a public service and it should be on? Is there a market demand for it? I guess that's the question.

Ms. Lisa de Wilde: What I can tell you is that when The Agenda does programs that are focusing on Ontario issues, people are tuning in.

Mr. Kevin Daniel Flynn: Right. But if you just showed question period or if you just showed this meeting?

Ms. Lisa de Wilde: Well, I don't think this meeting would be that interesting.

Mr. Kevin Daniel Flynn: Well, no. This isn't the exciting part of Queen's Park, but it's quite typical of what happens at Queen's Park.

Ms. Lisa de Wilde: I think the beauty of the digital world of media is that it will allow us to cater to way more niche audiences. Someone way smarter than me has called it the long tail, and it really is that when the cost of distribution becomes not a barrier, then you can aggre-

gate your family, my dad and Ms. Horwath's mother—it doesn't really matter where they are; they can all tune in, they're interested in it, and that's enough. That's the ideal that IPTV will make possible. We're all moving gradually towards it, and I think that's when the media become very powerful, because it's not about whether it's a mass offering; it's about whether it is addressing a specific need.

Mr. Kevin Daniel Flynn: Very good. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. I think all members would agree that we've had a very fulsome discussion and appreciate your being here today. I would just remind you that there is an opportunity to be invited to appear back at some later date in the fall, given the remarks that will be given this afternoon. I just wanted to point that out to you.

There is nothing further on our agenda this morning, so we will recess until 1 p.m.

The committee recessed from 1112 to 1301.

The Chair (Mrs. Julia Munro): Good afternoon, and welcome to the Standing Committee on Government Agencies. We are continuing with our discussion on agency review—at this particular time, the Ontario Educational Communications Authority (TVOntario).

This afternoon, we are going to hear from a number of stakeholders, each of whom are going to make presentations and will have the opportunity to make comments. Any time remaining will then be available to members of the committee.

JOANNE SIMMONS

The Chair (Mrs. Julia Munro): I would like to ask Joanne Simmons to come forward and make a presentation. Good afternoon, and welcome to the committee. Do make yourself comfortable. We have allocated 30 minutes and, as I have just said, you may use any or all of that time, and the time you leave will then be for questions from the committee members. So, if you're ready, please begin.

Ms. Joanne Simmons: I'd like to begin by thanking you and for inviting me, because I'm very pleased to speak on behalf of TVO.

A little bit about myself: I am currently serving as a vice-principal at Donwood Park elementary school in Scarborough. It's a new role for me, so it's very exciting. However, I have been an educator for 20 years and served our students in a variety of different roles. I have been a classroom teacher at a variety of different grade levels, I have been a special education consultant for the board, and when at TVO I was working in the capacity of an instructional leader for mathematics across the Toronto District School Board. It was, I guess, through my name being listed, I don't know how, but TVO somehow invited me to come down to their offices a little over four years ago to meet with them to talk about children's programming in mathematics. I went to the meeting with the coordinator, Stewart Craven, from the Toronto District School Board, completely unaware of what was about to happen—working with TVO. I had just completed working on the early math strategy, on the expert panel report with the Ministry of Education, and was in the process of developing classroom resources for teachers to help them follow up with the recommendations of that report. So when I sat down in TVO's offices and they said they wanted to develop children's programming specifically targeting the age group of kindergarten to grade 3, I'm not at all exaggerating that my heart began to flutter. As a mathematics educator, it has been always a challenge to find quality resources for young children, resources that are engaging to the children and also easy and comfortable for teachers to use in the classroom. So I started sort of jumping up around the table as I met with Marney Malabar, who is the producer of TVOKids; their seconded educator, Stacie Goldin; and Phil McCordic, whom I knew as an actor, from being a parent watching TVO with my son, but whom I found out later was also a writer.

Both my coordinator and myself—I'm sure I can speak on his behalf—were further impressed when they had this idea of doing children's programming for mathematics, but they weren't already committed to anything without hearing from us first what the latest research and recommendations were from educators in the province of Ontario around mathematics. As I have already said, we'd just finished the expert panel report on math for the Ministry of Education, so I shared the highlights of that with them, which included things like making math meaningful and engaging for children; ensuring that mathematics for young children is in context and can be related to their daily lives; ensuring that mathematics is taught through problem solving; and the really challenging piece, ensuring that we're also reaching out to parents to help them engage with their students in mathematics.

These were large ideas and recommendations, with the expert panel knowing as we made them that we weren't really ready resource-wise and teacher-training-wise to fully implement them at the time that the expert panel report occurred, so they said, "You know what? I think that we can help you and work together in meeting some of those recommendations." So I agreed to stay in with them, and over the next four years, 40 episodes of a show called Tumbletown Tales was produced at TVO. Each script was sent to me as it was written to validate and ensure that the math was accurate and that the episodes were developmentally appropriate for our children in our Ontario schools. I'm not sure what has happened here so far today, if any of you have had a chance to see Tumbletown Tales. I don't think you can even explain it—I'm looking at the TVO people—in that it's actually a little five-minute math show that is a dramatization of math in the life of a bunch of rodents in a town called Tumbletown. They're actually hamsters and guinea pigs and chinchillas that are voiced over, so it is immediately engaging to the kids and hilarious to adults.

After the programs were produced, TVO did invite me to write some teachers' guides. They also consulted with

me as they built a wonderful interactive website for children that connects directly to the programs. The children see the TV show, then they can go to the computer and they can practise some of the math ideas on the computer.

In my capacity as an instructional leader working with teachers, I began showing the episodes in my workshops with teachers. They were the highlights of my workshops. It was hard to control the laughter in the room, and teachers were saying, "Thank you, thank you, thank you," particularly the teachers of kindergarten, grade 1 and grade 2 students.

Math has changed dramatically since all of us were students in mathematics. We know that our children need a broader set of mathematics skills. They need the same skills we needed, but they actually need more. They need these skills in context, they need the numeracy, and for teachers to find a way to present that numeracy to six-year-olds from very diverse backgrounds is really a treat.

I walked into my new school as a vice-principal, with a staff that was already actively using Tumbletown Tales as part of their mathematics program. So when they found out that I had been involved, they actually decorated my doors with all sorts of rodents, which was odd but fun. They willingly participated in a research study just recently that Stacie Goldin, the seconded educator at TVO, wanted to conduct, so I hosted it at my school, inviting teachers and administrators from neighbouring schools. Because beyond just having kids use it, what TVO does time and time again, in my experience and in my conversations, working with colleagues working in other curriculum areas, is that they want to reach out to teachers to just really make sure and get their feedback that what's going on—the television, on the computer and in the hands of students in the classroom—is in fact the highest-quality materials. So they came into my school, put on a fantastic in-service for my teachers, provided them with more resources and gave them an opportunity to give feedback and ways to improve the programs. For me, that is also very impressive.

1310

The last thing I'd like to highlight before allowing you to ask me questions—the common question is, "How do you teach a hamster math," which I'm not prepared and have never been prepared to answer. Really for me, in my latest role as a vice-principal, I've grown an even greater appreciation for the outreach that TVO provides to parents and our community. In my particular community, I would say the vast majority of my parents are new Canadians working very long hours, very committed to their children and their children's education, but who really have a limited amount of time in their days to really sit and do the kinds of things that they say and I believe they want to do with their children, which is to help improve their literacy and numeracy skills.

Also, a large number of my parents do not speak English fluently yet. They're new Canadians. So it is tremendously comforting to me, as a vice-principal, to be able to say to the parents, "Do what I did"—because this is exactly what I did—"set your TV to channel 2." You know for sure what they're going to see is going to be high-quality, education-wise. It's going to be safe for kids to watch. You can set your Web browser and you can bookmark TVO kids for your kids and you don't have to worry that they're in an unsafe place on the Internet. You can sit and watch and engage in these things with your children and learn right along beside them. I can tell you that my parents have told me that they actually watch it even when their kids aren't there because it's so fun. That's really the truth.

There are many layers of TVO that I truly appreciate, and I know that my colleagues—I'm speaking on behalf of many teachers and other administrators—really appreciate the conscientiousness and the thoughtfulness with which TVO is preparing materials for our classrooms and for our kids at home.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Horwath.

Ms. Andrea Horwath: Good afternoon. I'm very pleased to meet you. It sounds like you're very pleased and excited by the work that you've been able to do. Do you still work with TVO? Are you still an employee or on contract?

Ms. Joanne Simmons: I'm not even on contract; I'm kind of a volunteer. I'm still doing things at TVO and I'm delighted to do them. Basically, just recently, Marney Malabar had another brainstormed idea to do another math series. She did call me and I came again and I've been brainstorming and reading scripts with them. I do this, as I said, volunteer. Sometimes, it is during my hours as an educator for the Toronto District School Board. I'm not exactly sure of my board's relationship with TVO, but a few years back, TVO was actually brought to the instruction department, so that's all the instructional leaders in the Toronto District School Board, covering many, many different subject areas. Robin Shepherd, the executive superintendent of instruction at TDSB, had TVO come in to share with us the programs that are being offered by TVO so that we could go out to all of our schools and help them access the programs, because they were felt to be such high-quality pieces, and further encouraged us, as educators, to work with them. It's an old adage, but it really does take a whole village to raise a child, so it's in our best interest to have good TV programs for our kids, so I've just continued on in that capacity. We've been reading scripts. There's a new show coming; I don't even know what it's called. But, yes, I will always come back because the work that they do is great.

Ms. Andrea Horwath: Are you aware whether TVO has expanded these relationships with school boards outside of the Toronto District School Board?

Ms. Joanne Simmons: Personally, what I am aware of is that they did around mathematics. They came and also did a presentation to the Ontario Mathematics Coordinators Association about three years ago. That would be math leadership province-wide. And because people knew through that presentation—they heard that I had a

little bit of a connection, I received numerous follow-up emails about how they could access some of the materials for their boards that were shown at that presentation. It's interesting to me—I'm also colleagues with the dean of education at the University of New Brunswick, and she also is very aware of TVO programming with her student teachers in New Brunswick. So clearly, beyond me, there's been some outreach.

Ms. Andrea Horwath: That's good. Could you identify some areas where you would think children would benefit from TVO expanding into other areas in terms of education? You talked about numeracy and literacy; are there other things that you think would be beneficial or that you suggest would be the next frontier that TVO should be looking at in terms of programming for children and developing new material?

Ms. Joanne Simmons: They're far more expert than me as far planning the next frontier, but I can tell you that educationally a very hot topic for us right now is media literacy. It's literacy but really media awareness. I know that our IT teacher—in our school, we have a specialized information technology teacher—is helping kids to evaluate websites that they're watching and be critical thinkers about the things that they find on a website. TVO has the Tumbletown Tales website that's very math-oriented, but they have this whole greater website with lots of things for kids to go in and read critically in a media environment. So I really think the connections that they can provide for schools, for teachers who are trying to teach this media awareness in a safe environment, because the Internet can be a scary place for us as educators, are probably where I would ask as an educator for more support from TVO. If you could help us pull all your media pieces together into a media awareness program for our kids, that would be fantastic.

Ms. Andrea Horwath: Would you see something like that being focused only on the Internet or something that would be backed up, again, with programming on the television?

Ms. Joanne Simmons: Again, with television too, because I know that in our school we talk a lot to our students about what they're seeing on television and the messages they're receiving and the images and what they mean on television, so absolutely. Again, it's a safe show.

As a parent, I can tell you that there was the body image series—I'm trying to remember it; my son's 17 now, so I can't remember the name of the show—that we talked a lot about in my house. Again, it was a nice, safe environment for me to talk about the body images issue, because even young boys are now struggling with that, we know. So it's a safe media conversation place for me, as a parent and a teacher.

Ms. Andrea Horwath: One of the issues that came up in the conversation early on—you had mentioned that you're not sure what we did. We didn't watch any of those shows; we did see a little promotional video, though. One of the things that came up was the issue of reduced effort at in-house production of new materials being done. Obviously, the work that's being done that you're describing is the exception going forward. If the capacity is there for TVO to continue to add more of these in-house programs and development of in-house programming, do you see that as something that—so taking off the educator hat, as a taxpayer and as an Ontarian, do you think that's good value for money, for the public to actually have our public broadcaster, our public service, if you will, undertaking efforts to do that kind of work?

Ms. Joanne Simmons: Again, I'm going to qualify this: I don't actually know how much it costs to produce a television show at all, so if you're asking about my taxpayer's money—I appreciate solidly TVO and the types of programming that I watched as my child grew up. I don't know what the percentage is at TVO of how much they're creating in-house and how much they're bringing in, because everything I see on there is good quality. I like the fact that there's Canadian content, as a Canadian. I like the fact that the math programs deal directly—

Ms. Andrea Horwath: Do you get a sense that it's Ontario content?

Ms. Joanne Simmons: Ontario content. I'm saying Canadian, but—

Ms. Andrea Horwath: Because we talked about as well that there's a concern about the extent to which TVO is reflecting enough of Ontario and Ontario culture and Ontario issues. We talked about that from the broader perspective, particularly around politics and Queen's Park and those kinds of things. One of the things that was pointed to was some new work that they're doing on the Internet in terms of a website that talks about the different orders of government and what they do and how you can find out who your MPP is and how a bill gets developed. Do you see that as being a tool that would be used in the classroom as well?

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Ms. Joanne Simmons: Absolutely. I spent the last two days gathering resources around that very topic from my teachers who are currently teaching civics, because the election is coming and the grade fives are very engaged in that, so, absolutely. That was actually one of the things I suggested.

I haven't been to TVO, because we're just starting a new school year, but there is going to be some Ontario information there. I know there is some Ontario social studies information there that I browsed through when they came to our instruction department. I guess your question is, how important is that to me, as a taxpayer? I'm very proud to be from Ontario and I'm very proud to be a Canadian, and I love the fact that when I go on there, it feels very Ontario, Canadian, to me. There are things on there that come from other countries, and some of those shows are very unique. I remember my child enjoying the accents of some of the people; I know there are some Australian shows. That's a good conversation to have. That has never been problematic to me, as a parent. The fact that the math program that was specifically

developed, if I use that as an example, to target a really critical issue in Ontario schools at the time that it was developed, which was the recommendations of the early math strategy—as a taxpayer, I'm thrilled that that was done because I know a lot of time and money was put into the development of the early math strategy expert panel report; the teacher PD was very costly. So to have that partnership—that's what it felt like to me; I don't know exactly who funds TVO—was amazing to me, as a taxpayer, a parent and an educator, that all of that aligned. So the more that that happens, I would be happy to pay for that, as a taxpayer, because it was really good for kids. I saw it in the eyes of the teachers and I saw it in the eyes of the children. The teachers feel validated when they see on television what they're working hard on in the classroom. It says to them in a larger way that, yes, we're on the right track, that we are meeting our expectations, as teachers, from our employer, which is the province of Ontario. So those are very strong messages, I believe, and worthwhile.

The Chair (Mrs. Julia Munro): Thank you very much. We must move on. Mrs. Sandals.

Mrs. Liz Sandals: I'm very excited. My background is math and being a school board trustee and all that stuff, so if you want to get me cracked up, it's about early math and who teaches it and how and is it effective. Anyway, you've just landed right in my area of enthusiasm too.

A couple of questions about how it delivers, because you're obviously so really excited: How do we make sure that teachers who don't have a principal or a vice-principal like you who has been really, really involved—how do we get the message out to teachers and parents that this really high-quality material is available?

Ms. Joanne Simmons: That's a very good question. Communication is, as you know, our number one challenge in education. At the TDSB we're so large that it's really a huge challenge. I would recommend working, again, with the media literacy heads in the school board. When I began showing the Tumbletown Tales in my workshops with teachers—I had teachers from across TDSB, which in itself is very diverse—some of them had never heard of it and some of them were well into it. And I asked that question: "How did you know about this?" Some of them knew about it because teachers are also parents, and they'd seen it, as parents, gone to the website and investigated it. So that's how some of them knew about it. Some of them knew about it because, apparently, and I didn't know this at the time, it was listed in our media catalogue. Our teachers order from a media centre, and the TVOKids programs are listed in that catalogue, and they had gone in there and ordered it. So I think it's probably multi-level communication that has to happen: I think taking advantage of the central office staff in school boards, which I was at the time, and making them aware—I thought TVO did a great job coming in and talking to all of us—ensuring that people whose role in the board is to communicate are aware of it, have copies of it and so on and so forth, and again, administrators, because administrators write newsletters to parents. So I share my newsletters now with the administrators in my family of schools, and they see the little link to TVOKids on my newsletter and they'll ask me, "What's that?" and so on. So again, reaching out to administrators—part of our role is that communication to parents—I think would be a great start.

Mrs. Liz Sandals: Particularly if you can report in your school newsletter that the grades 1 and 2 teachers are using this resource and then, as a parent, that's where you connect into the resource. But the other thing you've just mentioned in terms of the teacher wanting to access the actual materials: I assume these clips are periodically broadcast over TVO, but you can also order them. So if you order the clip, I'm guessing you get a CD or something that you can play in the classroom.

Ms. Joanne Simmons: Yes. There used to be, and TVO will be—if I say it wrong, I apologize, but I believe at the very beginning there was a portal online that teachers went into to get it. I had my copies that they gave me. But a teacher told me. I said, "How did you get it?" and she said that she at that time sent a blank VCR tape to our media services department and they made copies for her and sent it out; the teachers didn't know we could do that. I mean, it's all communication. That went around for a while and people were sending in VHS tapes. Recently they came out on CDs, so my understanding is that they borrow from our media department. It comes in the mail. You get to keep them for a week or two, and back they go through courier mail. So that's how.

Mrs. Liz Sandals: Okay. So that's really, really important. Maybe you're the wrong person to ask, but as TVO expands its Internet capacity, one would hope then that that's something teachers might even be able to directly download. If you do it in the more formal way through your own resource staff at the board, are there teaching materials that come with the clip that tie it into the outcomes and all that stuff that you need as a curriculum trainer?

Ms. Joanne Simmons: I should have highlighted that part. Absolutely. There was a teachers' guide written after the first episode, and it has pre-viewing instructions for teachers during activities, follow-up activities, post-viewing activities. I authored some of them. I notice they had someone else, because one time I said I was too busy. In writing those, my vision, again, was to connect to the early math strategies, make them very hands-on, and to make those connections to media literacy with the pre- and post-viewing. So, yes, the teachers get those as well. Those are also available online, and there are also teacher recommendations/suggestions and parent suggestions online. There are click boxes for parents and for teachers, and they can go in and download materials from there.

Mrs. Liz Sandals: So what starts out as producing a five-minute clip actually becomes a whole package for a unit and, if we can connect teachers to TVO, they can take that unit and connect it with curriculum they have to cover anyway.

Ms. Joanne Simmons: Yes, and if I can just add, yesterday at our staff meeting at Donwood Park, our teachers were informed that we were not renewing the copyright. We're both new—my administrator said that schools can buy copyrights for showing publicly produced movies, and our teachers said no; no, we're not, because we have a wonderful media department with some quality educational materials. The very first hands that shot up were my primary teachers, who said, "But Tumbletown Tales: Can we still show Tumbletown Tales?" I said, "Yes, anything from TVO you can show." So that becomes even more important, and I believe that principals are making decisions more like we did at our school. We don't want to purchase those copyrights because we don't have time to screen all of that stuff to make sure it really is appropriate. When we get our teachers to order from our media department, we know it has been screened by educators and has been approved for showing to whatever grade level. It's going to become even more important that there's access to quality stuff.

Mrs. Liz Sandals: And by the way, total trivia: The other copyright issue is federal, not provincial.

Ms. Joanne Simmons: Right.

The Chair (Mrs. Julia Munro): And that's the perfect note on which to move on, to Mr. Runciman.

Mr. Robert W. Runciman: Thank you for being here and thank you for your volunteer work at TVO. I'm certainly no expert in the area that you have worked in, but my grandkids appreciate the good work. My wife and I, through being supporters of TVO for many years, also have a small role in supporting what you're doing and what the network does.

I'm curious: What provincial riding do you live in?

Ms. Joanne Simmons: I actually—am I supposed to know my riding number? It's embarrassing. I live in Durham. I live in Pickering, Whites Road and Finch. I don't know the number.

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Mr. Robert W. Runciman: Do you know the name of the MPP?

Ms. Joanne Simmons: Oh boy, this is bad. No?

Mr. Robert W. Runciman: No it isn't. I'm sorry; I don't mean to embarrass you.

Ms. Joanne Simmons: I know where I am in my school district, but—

Mr. Robert W. Runciman: I appreciate this, because you're being frank and honest. I'm making a point here—and I didn't know what your answer was going to be. You're an educator. The point that I've been making—I don't know if you witnessed the earlier deliberations. My concern is about how so many people in this province, huge numbers of people in this province, don't know the responsibilities of municipal, provincial and federal governments. They don't understand what goes on in this place, Queen's Park, and the roles and responsibilities of MPPs. I think you've dramatically delivered the message that I wasn't fibbing when I said that earlier.

I see this all the time. I've been a member of this place for almost 28 years, and people come into my office on a daily basis and we see this. I believe TVO, the education network for Ontario, as part of its education mandate, should be doing something to improve that situation. What in fact is happening, of course, is that we're seeing declining representation of media outlets in Queen's Park, declining coverage of the business of this place. TVO itself has closed its Queen's Park bureau. I believe that if we had a show, a dedicated program to deal with the business of this place—what members do, the responsibilities, the committee work, the clerks, the researchers, the onerous tasks that many of us have to do, the kinds of delegations and times that we have to commit to those—it would give Ontarians a much, much better understanding of this place and the roles and responsibilities of the provincial government. I think that that should be a clear requirement of the mandate of TVO and I think that it's not meeting that.

Thank you for inadvertently helping me to make my case.

Ms. Joanne Simmons: Okay, but let me kind of now clear my name a little bit and concur with you at the same time, because I'm thinking it might be Wayne Arthurs, and I'll tell you why—and I'll tell you why I think yours is a good idea. My son, who is 17 years old, loves politics. He could have answered your question all the way around. Why? Because Wayne Arthurs, who was the mayor of Pickering for a very long time, came to his classroom and read him a book. I'll just tell you that. I had to buy for my son that year for Christmas a little desk and a little pretend phone because he played Mayor Arthurs for a number of years in my house. I'm not kidding; that was the role play. We visited the Pickering Town Centre, the Parliament right across the street there, from many times to see if we could see Wayne Arthurs. I'm not kidding. I hope he doesn't ever get to read transcripts of this because he's 17 and that would be uncool, but that was a very big deal in my house. That was local politics.

He loves politics. He's taking politics next semester in grade 12. He loves everything about it. As you can see, he has a mother who knows a lot about politics when she's not happy—I can tell you who the MPP was there when I was not happy, but I won't—because I actually wrote letters and found out. But on a daily basis, you're right: not very aware. I've questioned myself all the time, "Why is it that my son knows so much about politics and is so interested?" And I've always traced it back to the fact that he was touched by him at a young age.

Mr. Robert W. Runciman: Do you ever watch provincial question period?

Ms. Joanne Simmons: Yes, we do sometimes at my house.

Mr. Robert W. Runciman: Where do you watch it? Do you know where you watch it?

Ms. Joanne Simmons: What channel? There is a channel for this kind of—

Mr. Robert W. Runciman: Do you have cable TV?

Ms. Joanne Simmons: We have cable. We have Rogers—

Mr. Robert W. Runciman: Because it's very limited in availability. That's another issue that I dealt with—broadcasting question period—because very few opportunities are available for access to question period now.

Ms. Joanne Simmons: But kids are actually very interested in politics. Teachers, obviously, aren't always as equipped as we should be for teaching it.

Mr. Robert W. Runciman: Thanks very much.

The Chair (Mrs. Julia Munro): Thank you very much. We really appreciate you coming and providing us with your very specialized insight into this particular agency that we're reviewing. Thank you very much for appearing here today.

Ms. Joanne Simmons: Thank you.

CANADIAN MEDIA GUILD

The Chair (Mrs. Julia Munro): Our next presentation is from the Canadian Media Guild. I'd invite those members to come forward and make themselves comfortable in being able to provide us with their comments. Good afternoon, and welcome to the committee. I would just reiterate what I mentioned earlier, that altogether we have 30 minutes. You then have the opportunity to make comments for as much of that time as you wish, and the remaining time will be divided amongst the three caucuses in order to have further discussion. For the purposes of Hansard, I'd ask that you introduce yourselves.

Mr. David Hawkins: Okay, I'll begin. First of all, I'd like to thank the committee for providing the opportunity for the Canadian Media Guild to present. My name is David Hawkins and I'm a producer at TVOntario and president of the guild's unit at the provincial broadcaster. I'm honoured to be one of more than 50 producers, hosts and programmers who work each day to provide original and thought-provoking programming and content to Ontarians through the publicly supported educational broadcaster.

The work we do has evolved quite a bit since the early days of TVOntario. For example, I now work almost exclusively on producing for the Web, providing Ontarians with new ways to access and share information, and identify and participate in conversations about issues that matter to them. You heard much this morning about The Agenda on the road and The Agenda camp. I'm one of the producers involved in this initiative to build a new level of citizen involvement in the discourse on public issues that affect them directly.

It's doubtful the Web will ever replace TV, but we are finding new ways of using the Web, together with TV programming, to enhance the opportunities of Ontarians of all ages to connect with each other, with the framers of issues and with those who can affect changes in our society. Over the last two years, TVO has charted a course for public educational broadcasting in the 21st century. Production employees are working toward the kinds of new programming for TV and the Web that people can't find anywhere else on the dial. We have lots of ideas and enthusiasm, but what no one should forget is the power of television to take you to places you haven't been before and to introduce you to ideas and subjects that you never knew interested you. TV is the platform that inspires the other platforms. Every media organization uses their television productions to drive traffic to online.

Before I turn things over to Lise Lareau, our national union president, I want to assure you that TVO employees are a skilled, experienced and committed resource. Our work reaches Ontarians directly and connects them to their fellow citizens, idea generators and decision-makers. I urge you to make a long-term commitment to TVO and to help us continue reaching Ontarians where they live with original made-in-Ontario programming that they can't get anywhere else. Thank you.

Ms. Lise Lareau: Thanks, David. I am Lise Lareau and I'm the national president of the Canadian Media Guild. Just to put some perspective on that, that is the union that represents the folks at TVO, also at the CBC, the Aboriginal Peoples Television Network, S-VOX, Canadian Press, Reuters—a lot of media organizations.

I too appreciate your committee's attention to these issues. I was particularly interested in the questioning this morning. We noted the appetite for TV programming, and we'll shed some light on that perhaps in the questions and answers.

To pick up on something David just said, we actually believe TVO is more important now than ever. Why? Because—Mr. Runciman, you mentioned it, others here have mentioned it—the private sector is receding from local and regional newsgathering. In every community in the country, I can cite to you examples of where there have been either layoffs or some contraction within the local newspaper. As just one example, Sault Ste. Marie used to have a TV station affiliated with CTV. Now it's just a bureau, so the people of the Soo cannot get Soo-based news and information. That's one example; there are lots of them.

With my other hat on, I see seasoned journalists, editors and photographers either being laid off or bought out and so on as the industry has both consolidated—one company buying another—but also in some of that media confusion, I guess, that Lisa de Wilde talked about this morning. A lot of these companies don't know what to do with the digital revolution, so as a result there have been layoffs. No one person could tell you the reason altogether for all the layoffs, but there have been a lot of them. So what's happening is that it's hard to find good newsgathering in communities in this province outside of Toronto.

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I bet that you can tell me stories of some environmental issue in your riding that wasn't covered, or some hospital closure that wasn't covered until election day. Those are the examples I'm talking about. As a result of

that contraction of the industry overall, we think TVOntario has more importance and relevance now than ever before.

In fact, we know that this committee's job is not to be prescriptive about what TVO does specifically. That's not its job, and I'm not here to say that's its job. But we do believe that there's capacity inside. There's certainly the knowledge and talent to be more proactive in its programming, to have a role in developing issues as opposed to covering them when they've become issues.

With that backdrop, our members at TVO have been talking about these issues since some of the cuts at TVO that preceded The Agenda; they've been talking about ideas about programming. Not that you can prescribe this stuff, but it would be good for you to know some of the things we're talking about. We've had a couple of brainstorming meetings, and the same kinds of programming ideas come out of these meetings no matter how often we have them and in what context.

The recurring themes, for example, that they think they could be doing, that there's capacity to do, are programs aimed at youth. We talked about that earlier this morning—or you did. By "youth" I mean over 12, a very difficult-to-serve age group, where we believe that television and the Internet could be far more connected.

Environment: Nobody is covering the environment in this province the way it should be covered. You show me a single article or TV show covering an environmental issue. I can't think of one.

Arts and culture: Studio 2 used to do it. No one is doing it particularly well now in terms of what's going on in the communities in this province outside Toronto. This has an impact on much of the stuff that Mr. Runciman was talking about earlier today: lack of understanding, lack of connectivity from community to community.

And, yes, I think—not just me; our members—there is a role for more political discourse on TVOntario. How that programming actually emerges is, again, not for us to decide. But I too was smiling when you were talking about Inside Albany, that PBS show in New York state; I remember it well. Those were the days when Mario Cuomo was governor. It was a good show about a very localized topic. It gave people a sense of the role of government and not just issues.

What I'd like to leave you with before I throw it to Karen Wirsig, who is our policy specialist at the Canadian Media Guild, is the sense that our members at TVO love their work. It's a great place to work, but there's so much more it could be. There's just more "there" there. To that end, we really appreciate the conversation.

One other really exciting element that was raised earlier this morning was the transition from analog to digital. There was a question asked of Lisa de Wilde about that. One of the things she got to at the end but didn't really elaborate on is what it will mean for over the air—that's free TV—in communities across Ontario. We believe that the digital technology brings great promise, and we've done a lot of research about this which Karen will elaborate on. We think it could really help the underserved communities of this province, possibly with a role from government. So I'll throw it to Karen, then.

Ms. Karen Wirsig: Karen Wirsig, staff at the Canadian Media Guild.

We got wind a couple of years ago of the fact that broadcasters were not necessarily planning to replace their transmitters after the switch-off of analog transmitters in 2011, and it worried us because of what we knew would be the impact in small communities around the country and around the province here. We began to look at what was going on in other countries around this transition, because most countries, in the developed world, in any case, are quite far ahead of Canada on this transition. We discovered that digital technology allows for some fun things, such as, a single transmitter using a single frequency can actually send out six channels.

So we think there's an opportunity to actually improve access to free television anywhere, but specifically in smaller communities around the province. It might even be an opportunity to bring more of the legislative channel, with TVO, with other public and private channels, to Ontario viewers for free. It would give them an offering of six fairly local, certainly Canadian, over-the-air channels that most communities don't get now and would be a reasonable alternative to cable and satellite. When we're talking about the value of educational television, here's where public and educational television would really be highlighted like nowhere now on cable or on satellite. So when we think about the digital revolution, we don't only think about computers and hand-held devices, but we also think there's a role for television. As David and Lise have pointed out, television programming doesn't look to be going away. There are exciting possibilities. We're really interested in working out how people can maintain access to free TV. It's especially important for low-income Ontarians, seniors and people in remote communities who otherwise don't get very good service that reflects their interests and their views on the kinds of television that they have access to, i.e. satellite, which tends to be a continental service, as opposed to a local service.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Mrs. Sandals.

Mrs. Liz Sandals: That's sort of a lead-in to what I wanted to ask. There has been a lot of talk about the conversion to digital. David, you mentioned that you're actually working on The Agenda and the out tour, so it would be interesting to hear a little bit about what, from your perspective, you will need to be doing on Agenda on the road; but also, how CMG has been working with TVO to make sure that you and your colleagues get the training that allows you to work in that new digital world.

Mr. David Hawkins: Those are two very different questions.

First of all, Agenda on the road: There are two main groups of TVOntario that are working on that, the Agenda group proper and the online group that I'm part of. We are mostly, from the online perspective, responsible for the unconference that Lisa was mentioning this

morning and facilitating the content that will be derived from that. It's a very experimental approach. The idea is to access and involve citizens in new dialogues that they identify as the important things to talk about related to each of the areas' economies that we're focusing on. I'm not certain what you mean by what more we would need in order—these projects are well under way. We have staff—perhaps not enough staff, ultimately; there are many jobs to do. But the exciting thing about this project is that it involves every aspect of the organization, from the top managers right through to all of the technical people and so forth.

Mrs. Liz Sandals: What I was wondering, then, generically, is, since you've come out of a world of analog production and you're now moving into digital production, both on-air and over the Internet, is that involving the requirement for your members to have a lot of access to retraining?

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Mr. David Hawkins: Okay. The second question is around retraining, and certainly our members are very hungry for training. There are numerous tools that producers from the television side, like myself, have not actually used before. Many of them are developing as we speak, so there are numerous applications that are available. They offer a very cost-effective alternative to building them ourselves, although we have capacity to do some of that, and sometimes that is our choice as well. We've had a series of training orientation sessions because the decision was made to move in this direction, so we have to actually hit the ground running. Everyone is approaching this as an opportunity to learn. Everyone recognizes that there can be some stumbles and some mistakes along the way, but that's also the beauty I think of the digital online world. Everyone understands that, and we correct those mistakes as we go. There's a lot of forgiveness online, thankfully.

Frankly, there are numerous other issues to work through, and we've defined a process—this is all inside baseball folks, sorry—around who does what. We have defined professions within the industry, and so we need to sort out those sorts of things as well. Then that may lead to some snags, but anyway, we're having those conversations.

Mrs. Liz Sandals: It's often the inside baseball stuff, though, that makes it run smoothly, sorting that out. I'm glad to hear you're making progress. If we've got a few minutes, Laurel—

The Chair (Mrs. Julia Munro): Just two minutes.

Ms. Laurel C. Broten: I wanted to pick up a little bit on the comment that was made with respect to what Lisa de Wilde was talking about this morning. If we think to a future ahead where there might be more drive for on-demand television, and you might generate what you'd like to see, it would seem to me the synergy between that drive of consumers, new technology that is now allowing you to make films and stuff on your videocam or your telephone—does that ultimately lead us to a world where we see increased drive for localized content, or do you think it drives us in the other direction?

Ms. Lise Lareau: There are a lot of myths about what has gone on since the digital revolution in the mid-1990s. One of the biggest myths is that there's more news available to people. There actually isn't more news; there's a lot of sources for the same news. We know this because our members repurpose much of it for everybody. Whether they're doing it at Canadian Press, a big re-sourcer—they generate and re-source it—same with the Canadian Broadcasting Corp. and, to a degree, what you've heard here at TVO as well, this is common. There are fewer people repurposing for many more. There's less individual and independent news gathering going on. It's not just in Canada, and it's not just a single employer here and there.

I would urge this committee not to get hung up in the technology. We're here to say it's actually not the technology that matters that much. The technology is going to change certain delivery options and accessibility options, but really we're here to say, "You know what? You still need content. You still need programming." We'd like people to examine what TVO can do with that, the largesse of it all. In our view there's more to it than what you see. There's just more of a role, more exciting possibilities for it.

To answer your question, whether it's on demand or streamed or seen over the air for free or cable or satellite, it really doesn't matter to our members that much as long they're producing stuff for consumption for citizens to see and hear. I would hope that you don't get hung up in the technology when you do your examinations as a committee.

The Chair (Mrs. Julia Munro): Thank you very much. We need to move on.

Mr. Robert W. Runciman: Thanks for being here, and I appreciate that someone in the audience has also watched Inside Albany in the past. I used to be a regular viewer of the show.

Ms. Lise Lareau: Well, there were two of us, anyway.

Mr. Robert W. Runciman: I've long been a fan of American politics, in any event.

I've never had the ambition to be a watchdog for TVO, but going through these hearings I'm inclined to take that on, because I am, I would suggest, frustrated with the responses that we received from Ms. de Wilde today, and there doesn't really seem to be an appetite to take on expanded education, if you will, of Ontarians through a dedicated Queen's Park program or perhaps through a repeat of question period in a more viewer-friendly time slot.

I asked some questions earlier today that were based on some e-mails that I received. These could be folks who have an axe to grind, but there was also a column in the Thunder Bay Chronicle Journal, which our researcher provided us with back in March of last year, talking about the dramatic changes that took place internally at TVO a couple of years ago, staff changes and so on. The claim was made to me about morale, which seems to bear out this column, with the couple of e-mails I received this morning.

When I asked Ms. de Wilde about that question, she said certainly it's not her perception that people are pumped up. Are there any morale issues up there? Is it as hunky-dory as she suggested?

Mr. David Hawkins: Hunky-dory. I suppose, Mr. Runciman, any workplace has ebbs and flows of morale, and it's no different at TVOntario. There's continued uncertainly around the strategic agenda, and as we move forward, I think there is also great excitement about the potential and possibility for accessing new tools, new production methods, new content that we can make. We're building towards that.

I think I would be remiss if I did not repeat some of what Lise said, that there is also a great appetite to get back into communities across Ontario and bring television stories back to the larger audience. I think we have done that well throughout the history of the organization and I think that we can do it again. I believe we have the talented people and the resources to do it. But I'm not on the management side and I don't make those spending decisions. I'm very respectful of management rights in the organization.

Mr. Robert W. Runciman: Another question I asked Ms. de Wilde—again this is one of these e-mails I got just this morning. You said you were involved in the production of The Agenda on the road. This was a concern being expressed, I assume from someone internally, about an outside firm being brought in to handle the organization of the road show, if you will, and the fact that the view was that there were many talented people internally who could take on those responsibilities, without the additional cost burden associated with going outside.

Mr. David Hawkins: Again, I'm not aware of particular costs associated with anything. There are some outside individuals, contractors, who have been brought in. This is an extensive project. It's over five separate months, five locations. It's a big deal to take a studio production and put it into a new community. We're grafting on this additional production, which is around the unconference, The Agenda camp. The individuals have to do with line production. It's an individual on The Agenda side who is helping connect the dots throughout the organization. No producer has been involved in that level of production in-house so far. On the online side, we've hired some consultants who are expert in putting on these community events. They've put us through a couple of really tremendous workshops in understanding how to identify user goals throughout this and how to build our landing page to allow them to then produce content, find the information and connect in the way that they want to. This is a very detailed strategy before each event, during the event, during the broadcast and afterwards, because one of the things that we're really trying to produce here is content that lives well beyond the one broadcast and then gets built upon, and it gets built upon by Ontario citizens throughout the province.

1400

Mr. Robert W. Runciman: What's the budget for this?

Mr. David Hawkins: Again, sir, that's not knowledge that I have.

Mr. Robert W. Runciman: It sounds like it's quite a project, though, so the budget is probably fairly significant. So if you weren't involved in budgeting, you wouldn't know what it costs on an annual basis, the production costs, for example, for Studio 2.

Mr. David Hawkins: Again, sir, the beauty of my employment is that it has always been in public broadcasting and I haven't had to worry about those things.

Mr. Robert W. Runciman: Thanks very much.

The Chair (Mrs. Julia Munro): Thank you, and we'll move on to Ms. Horwath.

Ms. Andrea Horwath: I wanted to follow up a little bit on the discussion around the capacity that exists, or at least the opportunity that exists, for new programming to be developed at TVO. My first question is, is the capacity there? Following on the discussion that was just had, many resources appear to be going into this particular project, which sounds like a great project, actually. But does that, then, reduce the capacity to undertake some of these other kinds of new programming initiatives, and then, following up on that, outside of this five-month projection of this new initiative that's going to be the focus for a while, does the capacity exist currently to get some of these great ideas that keep coming up actually onto the table and developed? Or are there are more resources required to be able to produce more in-house programming?

Mr. David Hawkins: Well, I'll start with that. When we talk about capacity from the perspective of our membership, we talk about the professionals in place and our sister or brother union at TVO: CEP. From the technical side, we have the people who have the capacity and ability to do this kind of new and additional programming that we're talking about, and we have the equipment as well. In terms of how the resources are divided, those are not decisions that we make. So I can't really answer that in a direct way.

Ms. Lise Lareau: I would add one other thing. There's no question that our members at TVO have sensed—I mean, you've heard it this morning. There has been an emphasis on the online. You could argue at the expense of TV. The Agenda on the road is a wonderful initiative that perhaps is moving away from that trend a bit and balancing it out a bit. But it's our view, and not just our view—a lot of people in the industry hold the view—that you can't emphasize one without the other, you cannot put all your eggs in the online basket if your television programming isn't leading people there. So is there capacity? My own view is, probably to a degree. And then there should probably be discussions; the budgetary discussion goes on, right? But what it takes is the imagination to do more, the signals that people want them to do more. We're here to say that there is the ability and probably some capacity with the current budget to do more now, but it's certainly a dialogue we would like to see happen.

Ms. Andrea Horwath: It seems to me, from what I've heard, that the professional staff, the workers, the

members of your union and your sister union—I like the word "sister" better—have these brainstorming sessions, they have these dialogues, they have these discussions, and there is a level of frustration in terms of not being able to realize some of these dreams, if you will. Does that conversation happen with management, or is that a kind of internal conversation that doesn't happen with management?

Mr. David Hawkins: So far, it may be happening at a micro level, so there has not yet been a format that has been defined for those larger conversations. We would be very interested in taking part in discussions around new content initiatives, but we need the invitation, essentially.

Ms. Andrea Horwath: We'll send them the Hansard.

It's important and I think there's real value in what the front-line people identify and what their talents, skills, artistic views and capacities are to feed into something that can make TVO a more fulfilling place for Ontarians to get information and news and regional connectedness and all those things. I think it's a very good opportunity that we will miss if we don't find a way to feed that conversation, and perhaps—again, it's not up to us to set the vision; that's up to the board to do. But if there are signals that are coming—I like that word "signals." It kind of feeds in with all of the conversations today. But if there are signals that are coming from the workers and the unions and the staff and there are signals that come from here and from the public, then that's perhaps something that could lead to a broader vision or a vision that sees this as an opportunity, as opposed to a conflict, with other initiatives that are already committed to by TVO.

I guess the only other question that I had goes back to the issue of youth. I asked the question earlier, to both the previous presenter and to the TVO representatives who were here earlier today. Do you have any ideas particularly around engaging that youth population, the over twelves, the youth/young adults? Are there things that you see as being opportunities that are not being taken advantage of at this point?

Mr. David Hawkins: I'll just start. One of the things that was identified through our brainstorming at the union level with select producers throughout TVOntario is that programming that itself is youth-driven—the face of the show is youth, the issues are actually identified and explored by youth—would generate a youthful audience in that demographic. Also, I have teenagers and their capacity to whiz through applications online just amazes me. They know stuff I don't know. So I think they could be very helpful in our putting together productions of this sort and connecting with the two platforms in ways that are unique to them.

Ms. Andrea Horwath: And interestingly enough, perhaps an opportunity to provide training or engagement in the field for youth who are looking for where they're going to land in terms of future careers and some—

Ms. Lise Lareau: Yes. The previous presenter talked about media literacy. You could see an educational opportunity there. These were the sorts of things that were done in our brainstorming, but again—I'll say it a third time—we don't presume to think that this committee is going to tell TVO what kinds of programs to put on. That isn't the role of any kind of government committee.

There just are so many other ideas out there and so many places it could be going. I think it's safe to say that the folks working inside don't get a sense that they're part of the conversation, but also that these conversations are happening anywhere, this sort of "let's do more." I think that may be, too, a media phenomenon of the past 10 years. A lot of media employers have shrunk, as I indicated earlier. So it's easy to get into a mindset of doing less. It's a common occurrence in many media organizations: shrinking, a little bit of fear about what's going on, digital this, online that. So it's not just TVOntario. We say this about other employers as well: "Please reach, rather than contract, if you please could."

The Chair (Mrs. Julia Munro): We've exhausted our time, but we appreciate very much the comments that you've made. Thank you very much for coming here today.

Ms. Lise Lareau: You're welcome.

GEORGE THOMSON

The Chair (Mrs. Julia Munro): I'd like now to invite Mr. George Thomson forward. Good afternoon, Mr. Thomson, and welcome to the Standing Committee on Government Agencies. As you might have already observed, you have 30 minutes in which to make comments as you wish, and the remaining time will be divided amongst the members of the committee. So if you are ready, please begin.

1410

Mr. George Thomson: Thank you for inviting me to the committee's proceedings. As you've said, my name is George Thomson. I'm a senior director of the National Judicial Institute, but I'm actually here in my role as the former chair of Ontario's citizens' assembly, which ran from about June 2006 to May 2007. I'm keen to have a chance to speak about the unique TVO contribution to this exercise that I was part of because it was valuable in itself but also because I think it is a very good example of where, over the next several years, TVO will be increasingly going.

Many of you, I hope, know that the citizens' assembly was created to model a very unique and extensive method of engaging citizens in discussion about important public policy issues, and in this case, looking at and potentially making recommendations on the topic of electoral reform. For me, the most important part of the exercise was the fact that it was the most extensive experiment, exercise, in citizen engagement ever tried in this province and certainly, almost ever tried in the world. It involved bringing together 103 randomly selected citizens who spent an intensive eight months learning, consulting and deliberating on an important public policy issue of direct relevance to the democratic process.

A lot has been written about what we did to try to make that process effective—and I brought an example

of that with me—what was done to try to show that ordinary citizens can become well able to contribute to a discussion of fundamental importance, and also why this was a really important exercise, quite independently of the fact that the electorate chose not to accept the model that the citizens' assembly proposed but to retain the present model of electoral reform. I think there's evidence of the importance of that, because you can see more and more examples of citizen engagement being tried; for example, the health citizens' council here in the Ministry of Health, and there are lots of examples elsewhere.

So that brings me to TVO and the contribution that they made to this exercise. We approached them with the idea that they could help us create a record of this historic and unique process. They, and with their help, we, began to see that this was an opportunity to do much more, to actually test out a new process that would use emerging technology that would make it possible for people anywhere in Ontario to be part of the process, to observe the whole citizens' assembly process, to share in the assembly members' learning and then have access to everything the assembly members had access to; and then, even more than that, to actually contribute to the debate and the dialogue, to actually go beyond the normal approach of audiences being passive recipients of information and actually to be able to interactively contribute back.

TVO was the media—and frankly, the only media, I think—who saw the process of citizen engagement as so important here, independently of the topic being addressed. They did a bunch of things, and I'll just summarize them.

First of all, they created a video record of the whole exercise. If the public was going to be asked to respond to the work of the assembly, they needed to have some confidence that the process was being well managed and really was a way of supporting strong deliberation and discussion. So it was good to have it available, and they used Web streaming to make every part of the assembly's work available to anybody who wanted to watch it on their computer, live or after the fact, or on their iPods. By using the new technology, the whole assembly, from front to back, was available.

The second thing they did was extensively use students—broadcast and journalism students in particular from Seneca College of Applied Arts and Technology and students from other community colleges—to do a lot of this work, and that helped to manage the cost, to make it much less expensive. It didn't in any way affect the quality of it, and it made it a very valuable and useful educational experience for these students. TVO really, in my mind, and I watched them doing it every one of the weekends we were together, was a sort of mentor to these students and a very effective mentor.

Thirdly, they used student journalists to facilitate the creation of separate materials using new technology, including blogs and podcasts. Actually, these students created a very useful documentary on this process of citizen engagement. That documentary, which TVO has shown, is a very valuable piece in itself, I think, that demonstrates why involving citizens in this kind of work is so important. The palpable excitement of the citizens to be part of this exercise is really visible in that documentary.

Fourth, of particular importance, they created an interactive element that not only allowed people to watch what was happening but actually to comment on the content, to comment on the proceedings, to express their views on the issues and to have that come back into the record of the proceedings. They broadened the dialogue and the discussion.

Finally, they used their regular programming The Agenda, Allan Gregg's programs and others to produce the most complete, in my view, balanced and informative discussion of the issue itself, including during the public education stage.

That's what they did. They did it using this new technology in a way that was a tremendous revelation to me, and they did it extremely well. The conclusion I've drawn from that, and I think it fits with some of the things I've heard in the short time I've been here today, is that if you see educating and involving citizens in the major public policy issues that you work on every day in your role as a fundamental part of making the democratic process real and making it work for the broader citizenry; and if you see it as a way of connecting them to the important work of government and contributing to the resolution of tough issues like voter apathy and low voter turnout; and if that is an incredibly important objective, and I think it is; and if there is a role for a public broadcaster, which I think there is, to contribute to that in a major way, and empowering people to be engaged citizens is in the vision of TVO; then I think they in this particular case were ahead of many others in the way they came at that and in the way they used innovative technology, and in particular interactive use of technology, to start help accomplishing that goal. It was a small experiment. The topic itself turned out to be a hard one in creating those connections, but I don't think that's the issue. I think the potential is enormous when you think of the other areas where citizens have to become connected and engaged. I think it fits perfectly with TVO's educational mandate, and over time I think will have a real impact on the way TVO goes forward and carries out its role. That's why I'm delighted to have a chance to talk about it.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin with Mr. Runciman.

Mr. Robert W. Runciman: Thank you for being here. I have no questions.

The Chair (Mrs. Julia Munro): Ms. Horwath.

Ms. Andrea Horwath: Thanks very much. Welcome; it's very nice to meet you, and congratulations on the work you did with the citizens' assembly. Did you get any feedback at the end of the day—it might be in the package that you brought along—in terms of how many people actually engaged through the TVO process with the citizens' assembly work?

Mr. George Thomson: I can't give you numbers. In fact, the citizens' assembly members can answer this even better than I can because they used those blogs and so on to try to connect with people. There were a number of contributors. The topic itself tended to draw more people who were already somewhat interested in the topic rather than the broader citizenry. For a host of reasons, the work of the assembly was not as visible as it needed to be, in my mind, elsewhere and so there was more reliance on TVO as almost the sole source of this information, which limited the number of people who saw it. I would also say that the technology itself is technology that is new, that is particularly technology that younger persons and persons familiar with things like web streaming and podcasts and iPods for that purpose use, and so there was more involvement of people who had that kind of capacity. The exact numbers of people I can't say, but I would still say it was enormously important as an example of what it can do particularly if we were moving to a topic which more broadly connected with people as it was being done by citizens.

1420

Ms. Andrea Horwath: So the thing that would have pumped up the relevancy of what was happening in TVO for the broader public would have been other ways of connecting people into that piece: broader advertising, promotion, a greater dissemination of the opportunity. Do you think that's fair?

Mr. George Thomson: Yes. I think there is a need to do a lot of work to help people see the potential of using technology in this way so they actually go in and look at this material. I think that's changing and growing over time, and it won't take a lot of advertising, and 10 years from now we will be surprised at how extensively people are using these models to get at the information. Also, the number of people who do it will be directly related to their interest in the topic that they're being educated and asked to contribute on.

The Chair (Mrs. Julia Munro): Mrs. Sandals.

Mrs. Liz Sandals: That's a really interesting experience.

I'm going to pass this over to my colleague Mr. Flynn, but I just wanted to note for the record that there have been a number of questions about budget for various parts of the TVO operation. I noticed in the briefing notes we got that it didn't go into the current year. Just for the record, the basic operating grant for TVO was actually increased by 25% this year, so that from $30 million in 2007-08, it was increased to $37.6 million in 2008-09. I just thought, because there had been a number of budget questions and the briefing notes didn't go into the current year, that would be useful for the record. I'll turn it over to Mr. Flynn.

Mr. Kevin Daniel Flynn: I'm intrigued by the experience that you had with TVO, simply because they followed the process quite well.

I want to be a bit critical but in a way that you can learn something from this, so we can all learn something from this. This really is a mathematician's or a statistician's dream problem, where you had a randomly selected group that came up and voted overwhelmingly to support a certain proposition. You'd think the behaviour of the randomly selected group, had they been selected randomly, which I think they were, would then be mirrored by the general population—that's the whole idea of having a randomly selected group—but it wasn't even close; in fact, it was almost exactly the opposite. At the end of the day, the population from which the random group was selected voted overwhelmingly to reject the proposition, which makes you think that somewhere along the way something didn't get translated or a communications medium was not taken advantage of in some way. Your message today appeared to be that there's potential there. I wonder if you could expand on what that potential might be, and, if you had to do this all over again, is there anything you'd do differently or is there anything you think TVO should have done differently?

Mr. George Thomson: To some degree, you get me into a discussion of what I thought of the efforts to publicly educate the Ontario electorate before they voted on this. To be frank with you, I think there were a lot of problems translating the learning and understanding and the experience of the citizens' assembly to a learning and understanding amongst eight million or nine million potential voters in relation to this issue. I think the public education campaign frankly did not do as good a job as TVO did to give people access to what they really wanted to know about this issue, both pro and con, so that they would be an informed public and actually be interested in voting one way or the other.

Another answer is simply to say this ultimately was a decision by the Ontario electorate and they were entitled to say no if they didn't agree with what was being recommended.

As I look back on it, I'm not sure there are a number of things that we could have done differently. The mainstream media did not connect to this issue to much of a degree. It was being talked about in the middle of an election campaign, where a lot of other things of significance were being discussed—

Mr. Robert W. Runciman: Not really; just one.

Mr. George Thomson: Yes. So it did depend upon a really intense effort over a very short period of time to educate the public as a whole.

Why I think this has major significance is, if you look forward 15 years from now, the kinds of methods that were used here are going to be commonplace methods of connecting with people and giving them the information they need. So there is a much greater likelihood that those methods will have connected with people, so they would learn along with these citizens and therefore be better equipped to decide what they thought of it. Here, other than those who connected to the TVO experience, the rest of the Ontario public really had this come to their attention late in the game with not a lot of information to help them know what they were getting, and it wasn't a terribly helpful process.

Mr. Kevin Daniel Flynn: I have this theory, as I get older and watch the other generations coming up behind,

that you see the methods of communication expand; still, what hasn't expanded is that there are only 24 hours in a day, and you tend to sleep between six and eight of those and you only have a capacity to absorb so much, and things start to drop off your plate. My theory in the turnout for elections is that politics have begun to slip off people's plate at the expense of other things. If you're looking after the kids, if you're just bombarded by messages, at some point things get put aside. I'm starting to think that perhaps politics are being put aside, and people are crossing their fingers, I think, and just hoping that their governments are doing a good job.

They say now that the younger generation has a much shorter attention span, that they want things in 20- and 30-second sound bites, because that's all the time they can afford, and then they move onto something else. Going back to the exercise with the citizens' assembly, were we trying to give too long a message or were we expecting the electorate to commit too much time to understand that message?

Mr. George Thomson: I think it's important to first look at those 103 citizens. For them, this was the experience of a lifetime. They learned a huge amount; many of them came away from this exercise different human beings, and they came away connected to government and connected to the issues of government in a way, I would say, 99% of them had not been before. So this process of giving them a sense of involvement, of feeling that this was an issue where their views were relevant, giving them a chance to contribute in that way, was the thing that connected them to the political process.

I think the challenge is—and you've stated it well, that the time available is limited—how do you take that experience and broaden it and give people a chance to use these new methods of technology to actually connect to you, to the democratic process, to the issues that you're dealing with every day and feel that they're part of the process? Until that happens, I think the risk of ever-greater apathy is very great. That's why this model, for me, was so important, both in what it accomplished with them and then what TVO did to raise the potential of connecting much more broadly. In the long run, I think that's the only way that people's interest in the democratic process is going to be maintained where it can and brought back where it needs to be.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel, the final question goes to you.

Mrs. Maria Van Bommel: Just expand a little further on this whole thing of the citizens' assembly. As Kevin has said, people have a lot of things on their plate. The 103 people who were part of the citizens' assembly, I'm assuming, had a fairly steep learning curve when they first got into this, because they were looking at something that was quite different than what the electoral process is in this country, but it's similar to what goes on in a number of other countries. They were learning about something that for them probably was the first time they'd ever been introduced to that.

Mr. George Thomson: That's true.

Mrs. Maria Van Bommel: Do you see, in the future, a role for TVO to continue to expose all citizens to that kind of learning curve? Maybe some of the concern was a reluctance to support something that most citizens hadn't had as much exposure to as the members of that citizens' assembly.

Mr. George Thomson: Yes, I do. I come away absolutely convinced that randomly selected citizens, given the time and the investment and the incredible commitment that they had here, can learn about most difficult public policy issues in a way that enables them to make a valuable contribution. What I think is the real issue now is how you make that an ongoing learning experience for many other people, not just on this topic, but other topics, and it's not polling or quick focus groups. People don't learn about that; they tell you what they already know. This was a process where they learned and then decided what they knew. This method using new technology may be a way to enable to continue a learning process and then be real, informed contributors rather than off-the-top-of-the-head contributors. It's going to take a while and it's a hard slog to get there, but I'm very pleased that TVO took it on as an exercise here.

1430

The Chair (Mrs. Julia Munro): Thank you very much. I appreciate you coming, Mr. Thomson. This concludes the—

Mr. Robert W. Runciman: Madam Chair, can I ask one question please?

The Chair (Mrs. Julia Munro): Certainly.

Mr. Robert W. Runciman: Sorry, Judge Thomson—of Mrs. Sandals: You mentioned the $37 million. I'm just looking for clarification, because the documents that we had provided said $45 million, or $44 million-plus, close to $45 million. What does the $44 million-plus—does that include something other than the transfers from government?

Mrs. Liz Sandals: I'm looking at a slightly different summary, but part of the confusion in tracking this is because in earlier years, the operating funding for TVO and TFO were combined because TFO wasn't independent. So you're quite correct that the operating grant for TVO in 2005-06 and 2006-07 was $45 million, but that represented both TVO and TFO. Then, the first year it was sort of separated out it was $30 million for TVO, and then $37 million this year for TVO. I need to go back. I'm reading a different piece of paper than you're reading, so let me just find the piece of paper that you're reading and make sure that I'm saying that in the same context, because it is very confusing because it is presented in different ways over the years, so it's difficult to track. I agree with you.

The Chair (Mrs. Julia Munro): Okay, because I was just going to say that the researcher has some comments to make with regard to that, just to clarify.

Mr. Larry Johnston: The figure I have in the backgrounder as $45.9 million was the Ministry of Education's expenditure estimates for 2008-09. However, the financial figures that TVO provided with a breakdown of

provincial funding only went to 2007-08. So I think what you've given us is the base grant for 2008-09.

Mrs. Liz Sandals: That's correct.

Mr. Larry Johnston: There will be other funding, probably for the digital—

Mrs. Liz Sandals: No, that wasn't the total funding; it was the base operating funding. Because there have been transition grants for separating out TVO and TFO, and there have also been capital transition grants for moving to digital, when you look at the totals, they're up and down like a yo-yo because of the transition. But when you follow the base operating grant, which may be the more relevant thing in terms of capacity to produce, my understanding—and this would be on page 7 of the document that we've all got—is that the provincial base grant in 2005-06 and 2006-07, for the two operations combined, was $45 million. When you move to TVO only, in 2007-08, it was $30 million, and when you move to TVO alone, 2008-09, it's going to $37.6 million. We're agreeing, Larry?

Mr. Larry Johnston: Yes.

Mrs. Liz Sandals: We're agreeing.

The Chair (Mrs. Julia Munro): Good. I appreciate that.

I just want to remind everyone that from this morning's presentation, we will be awaiting some clarification on the questions that were raised and look forward to receiving that.

At this time, I would say that the meeting is adjourned until 9 a.m., Friday, September 12. That will be in this committee room, where we will conduct follow-up reviews on the Workplace Safety and Insurance Board and subsequent to that, the Ontario Lottery and Gaming Corp.

The committee adjourned at 1432.

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Workplace Safety and Insurance Board

Ontario Lottery and Gaming Corp.

Chair: Julia Munro
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Examen des organismes gouvernementaux :

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Friday 12 September 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Vendredi 12 septembre 2008

The committee met at 0934 in room 151, following a closed session.

AGENCY REVIEW

WORKPLACE SAFETY AND INSURANCE BOARD

The Chair (Mrs. Julia Munro): Welcome to the Standing Committee on Government Agencies. This morning we have invited the WSIB as part of a follow-up to last year's review.

First of all, we would ask you to make the presentation and also introduce those who are with you. As you know, you have five minutes and then we'll take the questions from the committee members in rotation. Yesterday, although we're not tied to any particular rule on this, we began with the official opposition; this morning we will begin our questions, then, with the third party. I would just ask you to begin.

Hon. Steve Mahoney: I was under the impression that it was seven minutes, so I'll speak quickly. In any event, that's okay.

The Chair (Mrs. Julia Munro): I think we could probably allow—I don't expect to physically have the hook out.

Hon. Steve Mahoney: I'd be used to that.

It's an honour for me once again to be here to represent the Workplace Safety and Insurance Board. As requested, I'd like to begin by introducing the folks who are with me. We have our president and CEO, Jill Hutcheon; our chief operating officer, John Slinger; and our chief prevention officer, Tom Beegan.

The foundation of the Workers' Compensation Board in Ontario was laid almost 95 years ago, and it was the foundation of what is arguably the most copied workers' compensation system in the world, based on four simple but vital principles put forth by Sir William Meredith in 1914. The root of the Meredith principle is that workers receive compensation benefits at no cost for work-related injuries and employers bear the direct cost of compensation in return for receiving protection from lawsuits arising from injuries. This has become known as the historic compromise.

As you can imagine, Ontario's workers' compensation system has undergone profound change over the 94-plus years since its beginning. In its first year, the then WCB administered about 17,000 claims with a staff of 56 people. Today, we administer more than 340,000 claims annually—40 an hour, 24-7, by the way—with a staff of approximately 4,300 people in 14 offices around the province. Ontario's WSIB is an organization that has evolved and one that continues to evolve as the dynamics of our province's economy, workforce and culture change.

Let me be clear, the WSIB has not shied away from making difficult decisions or facing tough challenges. We do this in a business environment that is and frankly always will be filled with complex and often conflicting points of view. This juggling act is our operating environment, if you will, and our board of directors and executive team continue to manage it in the best interests of the system, in the best interests of all workplace parties, but most importantly, in the best interest of those injured workers we are charged to serve.

I could offer you a litany of summary data and statistics—the cost of workplace injuries to our economy in Ontario is a staggering $15 billion annually; the details of the exact financial planning we undertake to achieve a reasonable rate of return on our investments, which I would be happy to discuss in greater detail a little bit later; the strategy for eliminating our unfunded liability; and the millions of decisions our staff make each year on the hundreds of thousands of workplace injury claims that we receive—but to do so would be a disservice to the people we serve at the WSIB. The Ontario workplace safety and insurance system is, first and foremost, about people: the people behind the statistics, the employers who make meaningful decisions each day about improving the health and safety of their workers, the employees who exercise their rights and obligations to keep their workplaces safe; and, perhaps most importantly, it's about the injured workers who struggle with often profound changes to their lives and yet find the will and strength to succeed. And it's about the WSIB staff throughout this province who are motivated by the successes of the men and women they work for and with in a combined effort to make Ontario's workplaces the safest and healthiest in the world.

My first time before this committee was in May 2006, when I answered questions regarding my appointment as chair of the WSIB. At that time, I told members present that if my appointment was approved, my intention was to "travel the province and to meet with the stakeholders, and to find out directly, face to face, what their concerns are" regarding the worker compensation system. As

many of you may know, I have done that; I have travelled throughout Ontario for the past two years. I have met with all 4,300-plus of our staff in all 14 offices, and I've met stakeholders in virtually every community across the province. I've met with many employers who have recognized and acted in concrete and practical ways to eliminate workplace injuries in some of the most dangerous work environments that one could imagine. They recognize that having an exemplary workplace safety record helps them retain skilled workers, it makes them more competitive in today's global market, and it delivers real bottom-line profitability. I've told them that health and safety belong on the asset side of the ledger sheet.

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But what the benefits in statistics and financial reports don't reveal is the pride of accomplishment on the faces of every single employee within these organizations, from the boardroom to the shop floor, from managers to shop stewards to the janitors, who see safety as their number one priority. There's clear recognition that together they have achieved something that dramatically improves their quality of working life and binds them together in a common purpose: getting home safely to their families at the end of each day.

I've met with injured workers all across Ontario. Their stories are sometimes tragic, and occasionally so much so as to make one overcome with emotion. Many struggle with financial hardship. Some face social, psychological and emotional circumstances that seem impossible to overcome, and the impact on their loved ones, their friends, and indeed their co-workers is sometimes beyond our understanding. Yet amongst all of this, there are many untold stories of success, of triumph over adversity; without sounding clichéd, inspiring examples of the unshakable power of the human spirit.

I've learned from employers, employees, labour leaders and the men and women who've been injured on the job that workplace safety is not about blame. It is not about who is at fault or who is responsible for allowing this or that incident to happen. I've learned that it is about preventing it from ever happening again. It's about taking joint responsibility and meaningful action to ensure that no worker is faced with that risk again.

As I mentioned, I've met with all of our staff across Ontario. I can tell you that they are a dedicated and professional group of men and women who face difficult challenges and must make even more difficult decisions every single day. I've learned from them too. We must continue to get out to communities and spread the word about workplace safety, we must engage leaders in the private and public sectors, and we must reach out to our young people to ensure that they know and understand their rights. The ideas, suggestions and support and deep commitment to customer service of our front-line workers help keep the WSIB in touch with the people whom we serve.

Nearly a century ago, Sir William Meredith laid the foundation for our compensation system. He set out the principles upon which our system is based, and I believe that his wisdom in defining them as he did was founded on his own clear understanding that it was designed to serve the people of Ontario. I believe he understood that, as an entity, the Workers' Compensation Board had to be flexible and have the freedom to evolve and meet changing needs. It had to account for the vagaries of human experience in a province that, even in 1914, was destined to become an economic and social leader in Canada and indeed the world.

Over the course of the past two and a half years as chair, I have not yet met anyone who doesn't believe that we need the WSIB. It has received and will continue to receive its fair share of criticism, and I personally and frankly encourage that if it makes our system better.

The Chair (Mrs. Julia Munro): I must remind you that you have run out of time.

Hon. Steve Mahoney: Let me just wrap up by saying that we take a system-wide approach to this system. We try not to simply make our decisions based on an issue that comes up on a given day, but look long term, because this is a 40, 50, 60-year future-looking business that we're running at the WSIB.

I thank you for the opportunity to address the committee, and I look forward to your questions.

The Chair (Mrs. Julia Munro): Thank you very much. Ms. Gélinas.

M^me^ France Gélinas: Good morning, and welcome to Queen's Park.

Hon. Steve Mahoney: Good morning.

M^me^ France Gélinas: I would like to start with question 10 that had been put forward to you during the review, which was, "The WSIB ensure that all employers are in compliance with requirements under the OHSA"—the Occupational Health and Safety Act—"to have a joint health and safety committee or a health and safety representative." That was one of the 10 questions you responded to.

In September 2007, the joint health and safety certification compliance project reported that only 41% of workplaces are in compliance with the OHSA. The report goes on to state that 49% are partially compliant, and for 10%, they could not determine. Without the spin, it means there are 59% of workplaces that are not in compliance with the law.

My question to you is, of the 59% that are not in compliance with the law, how many of these workplaces received experience rating rebates?

Hon. Steve Mahoney: The specifics of that, perhaps the staff could answer. I'm not sure that we would have the actual specifics on experience rating rebates.

We do share the desire that all workplaces of 19 employees or larger require a joint health and safety committee, and we work very diligently to ensure that that happens. In the smaller businesses, which happen to make up about 85% of our customers, if you will—our employers; "smaller" being six to 19—there's a requirement that they have a safety rep. There is not, below that, from one to five, and I'm frankly concerned about that,

although it's difficult, if you've got a one- or two-person operation, to have a safety committee, but I do think that expanding the education to those folks would be critically important.

I'm not sure that we would have specific numbers about how many of those folks received experience ratings. The experience rating system is based on numbers, and we are currently undertaking a review of that system to see if we can't improve it to make sure that it is actually doing what it was designed to do, and that is to prevent injuries and incidents from happening in the first place. That review has been under way through the entire summer. We have a committee that has met weekly on that issue. We have hired a consultant. We're doing a study on this and we hope to have a paper to release this fall for comment for all of our stakeholders to have input.

Do we have any specifics, Tom, about the numbers that the member mentioned?

Mr. Tom Beegan: Not specifically relating to rebates, but I can say to you that since we were here last, we made a commitment that all newly registered firms with the WSIB in 2007 that did require to have a joint health and safety committee and two members trained were in compliance, and we achieved that. Anybody that we found not in compliance—as you know, we don't enforce the legislation; we refer that for enforcement. In the first two quarters of this year we've looked at the people who are insured with us to see if they have more than 20 people and if they have two representatives, and if they haven't, we refer them for enforcement action. We do an update every quarter, so I'm reasonably confident that those who get rebates in the future would in fact be compliant with the joint health and safety committee requirement.

M^me^ France Gélinas: Are you saying that the WSIB doesn't follow up with these organizations that are not in compliance to determine whether they have? For a lot of them, it was about the second stage of—they knew that they needed certification but they didn't do the part pertaining to workplace-specific hazards. So WSIB hasn't done any follow-up?

Mr. Tom Beegan: No; forgive me if I misled you on that. We have done the follow-up. I'm making the differentiation between what we can do within our statutory remit, which is essentially to develop the standards and to certify people and to keep a register. The enforcement of that in the workplace is not our responsibility, but we have made sure that the people who have more than 20—we follow them up to determine whether in fact they have a joint health and safety committee in existence or not.

I had indicated that there are two aspects to becoming compliant. One is part one and the other is part two. We have done our part in making sure, insofar as we can, that the companies that are insured with us that have more than 20 employees have the necessary people trained.

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Hon. Steve Mahoney: Could I just add briefly to that that there are currently over 100,000 certified members with part two training and over 245,000 certified in part one. While there is always this sort of anomaly between enforcement and encouragement on the part of the WSIB, I can assure that we're very committed to health and safety training in the workplace.

M^me^ France Gélinas: Okay.

Mr. Tom Beegan: Just to help you a little bit more with this, we have recently established a validation unit, and they're particularly looking at the connection between rebates and compliance with the legislation. That's a new initiative since we were before the committee the last time out.

M^me^ France Gélinas: Interesting. Can you tell me what that looks like on the ground?

Mr. Tom Beegan: That's the number of staff who are drawn from different parts of the WSIB who have different expertise right across the business. They are looking at companies in terms of what they may be getting under the experience rating programs to make sure, insofar as it's within our legislative agreement, that they are in compliance. So as I said, that's a new initiative since we were before the committee last time.

M^me^ France Gélinas: So are you looking at not issuing rating rebate cheques to employers who are not in compliance with the law, including the one we were just talking about?

Mr. Tom Beegan: We want to make sure that everybody is legally compliant. We have made a very clear statement about adjusting the federal adjustment premium in relation to fatalities. That's part of the work of that committee as well that the chair alluded to.

M^me^ France Gélinas: I'm aware of that one. Anything else, except for fatalities?

Mr. Tom Beegan: As the chair indicated, we are in the middle of reviewing our experience rating, and whatever recommendations come from that this unit we'll also take on board as well.

M^me^ France Gélinas: Do I have time?

The Chair (Mrs. Julia Munro): Yes.

M^me^ France Gélinas: Thank you. We've been talking about experience rating. In May 2007, this committee recommended that the board review the effectiveness of the experience rating program to ensure that it reflects the overall safety practices of the business. Then, in October, the Ontario Federation of Labour produced a document titled The Perils of Experience Rating: Exposed!, showing that employers were receiving rebates after causing workers' deaths or after being convicted of an offence. Here again, without the spin, what was the review process for experience rating before the Toronto Star ran this series of articles earlier this year?

Hon. Steve Mahoney: We had discussions about it, but I will admit that we did not establish our committee prior to it becoming a huge public issue. I committed at this committee in the February appearance, when I was here, and it's in the record on Hansard, that we intended to undertake a review of experience rating. So it wasn't something new. One could argue, and I have heard the argument, that we were pushed, but I think that's unfair,

because frankly, I did make the commitment sometime before that we would conduct a review.

The extent of the review, though—I want you to be absolutely reassured that there will be no stone left unturned on this matter. We are conducting a very thorough analysis of experience rating not only in the province of Ontario but right across the country and, indeed, even some European experiences. From what I can see, I have yet to see a compensation system that doesn't have some form of incentive program or premium adjustment program for the good performers. The bottom line for me, as the chair of this organization, is that if there is an adjustment of premium, it has to be justified around the Road to Zero, the prevention mandate that we have, and the successful introduction of good health and safety practices in the workplace. We cannot tolerate people abusing it, and frankly, if we find anyone—we have zero tolerance for a company who will refuse to report any kind of an incident that occurs. That's corporate fraud, and when we find out about it, we will have zero tolerance and take action.

I have no intention of seeing rebates going out to companies who refuse to provide good quality health and safety.

M^me^ France Gélinas: Good to hear. After all the criticism of the experience rating system based on lost-time injury statistics, creating false reporting and forcing injured workers back to work before they're really ready to do that, I understand that you're about to pilot a new accreditation program which is also based on lost-time injury. How can you justify to me doing this rather than having a system of comprehensive audit with actual workplace practices similar to the WSIB Workwell program? Why not?

Hon. Steve Mahoney: I'm going to ask Tom Beegan to respond, but I just want to make it clear that the accreditation pilot will take probably until the end of 2009 for us to determine where we want to go in the future on that. This is part of what I said in my opening statement, that the WSIB needs the freedom to evolve as our economy changes and as our situation changes, and that's what we're doing. We're looking at new ways that we think may in fact drive health and safety to a new level, because frankly, anyone who achieves accreditation is going to have to be an exemplary performer in the area of health and safety. Notwithstanding some of the criticism that has been stated both here and in the media, there are many, many companies that are in fact providing exemplary health and safety services, and I think they should be recognized.

Tom, do you want to expand on the answer a bit?

Mr. Tom Beegan: Yes, indeed, and thank for the question, because I've heard this a bit.

Yes, the performance of the company as it pertains to lost-time incidents is part of it, but only a small part. I think it's important for members to understand that this is part of a comprehensive audit. The auditors who will be doing it will be certified to ISO standards. It will take a comprehensive view of the company. So we will look at things like commitment of management—what does commitment look like? We'll be looking at examining, for example, the minutes of the joint health and safety committee. We will be speaking to the joint health and safety committee representatives. We will interview personally a cross-sample of the employees in that business, with a special reference on the mostly newly hired employee, to make sure that that employee has had the experience as set out in the policy of the company. We then look back three years on their performance so that it's not just some short snap over the previous year; it's a three-year history.

In companies that have subcontractors on their site, we are saying to those companies, "You are responsible for their performance while on your site." So it's not just a company that might employ X number of employees and then have Y number of employees employed by their subcontractors or at least providers. They're all part of what we look at.

So the first thing is that you must pass the audit, and the second thing, then, is that you must continue to be performing in the top 15 percentile of that rate group. That builds into the process and continuous improvement piece. So we have taken a lot of the Workwell that you referenced, which we think is a pretty good document as well, and we've built the continuous improvement piece into it. This isn't something you can do and sort of perform well for the period of the audit. This is something you must continue to do and continuously improve, not just to stay at the bar but to raise the bar.

So the pilot, as the chair has said, is started. The reason we're doing a pilot is that we want to make sure it does what we want it to do. We're not interested in just any other incentive program. This has got to be one that's going to recognize the exemplars, and there are many, and hopefully pull others into that remit. We would like to see at a future stage that this would become, if you like, a stamp of approval for our fees and the awarding of contracts, that this will be a definition of the company, who really is a part of that.

I think the other thing that will help us in this as well is that we've had ongoing conversations with the employer community and also with labour, and we're engaged in a conversation around, "So what does the world-class system look like?" We will take what we get from those conversations and make sure they're embedded in the accreditation program because, as the chair said, our objective is very clear: We want to have the safest workplaces in the world here in Ontario and we believe that accreditation can do that.

M^me^ France Gélinas: I was interested to see that you are engaged in communication with labour. Can you expand a little bit and let me know how this is taking place?

Mr. Tom Beegan: We've had a number of conversations with OFL and we have more planned. We've also met with the building trades. We have an open-door policy with other trade unions within the system. I found that very helpful. We are very clear that we want to be grounded in the realities of the workplace. We see the

labour movement as a significant party to the workplace, as indeed are employers, and we need an open-door policy as well to the employer groups and indeed directly with employers, because we want to make this work. We want to make sure that we are the business partner we want to be with employers and workers. The only way we can do that, we believe, is by being inclusive and having a partnership approach as we go forward. We realize that survival in this economy is tough, and the world economy is posing significant difficulties, and for us to be there, to be of assistance to them, we have to understand it, and the best people to inform of us that are the people who run the businesses and who work in them.

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M^me^ France Gélinas: So this open-door policy also applies to this pilot working group that you're talking about?

Mr. Tom Beegan: Absolutely. We got to where we are by having a working group made up of people within the various sectors. We're going to continue with that, we're going to evaluate the pilot, and we'll make the evaluation of that public.

Hon. Steve Mahoney: If I could add to that on the open-door policy: I invited, by the way, and was pleased that the head of the Ontario Federation of Labour could find the time to come and meet me one on one very recently to discuss some of these issues. I've talked to Mr. Samuelson on many occasions. In addition to that, on our board we have members from the building trades, from the Teamsters, and a new member who, once confirmed by committee, hopefully is from the CAW. So we have a very robust relationship with organized labour. We don't always agree, but we have a robust relationship.

The Chair (Mrs. Julia Munro): Thank you very much. It's time to move on. Mr. Sousa.

Mr. Charles Sousa: Good morning. Thank you for being here. Thank you for your work and for your dedication to protecting injured workers and promoting a good culture of safety in the workplace. Certainly you provide an essential service, and it's not easy.

I want to expand a little bit on what you spoke about earlier in respect to the financial consequences, especially in the environment that we have today—rising health costs, the inputs are tough, revenues being taxed. Then, of course, you've got investments in our capital markets now, on which you've taken a hit on your unfunded liability.

I guess my question is two-fold: Can you expand a little bit on the sustainability of the financial issues as they pertain to the agency? And what is it that you're going to do to try to protect the unfunded liability now that it's been increasing as much as it has?

Hon. Steve Mahoney: Actually, we want to eliminate the unfunded liability, and we do have a plan in place that—and I have to admit, due to the situation in the markets, and the member would know, being a former banker, that life is pretty difficult in the investment realm. My first year in the job as chair, we enjoyed returns of 16.2%; of course, I took the credit for that. The next year, we saw a negative return, and I'm afraid I had to take some of the blame for that. I don't deserve either, I think.

It is an issue that concerns us greatly at the board. We just had a new member confirmed by committee, Morgan McCague, who is a very experienced man in the investment field, and who has joined our board. He was just appointed yesterday at the board as the chair of our investment committee. He's been acting as one of the advisors on our investment committee for a number of years, but we think now that we've got him more engaged in the overall system, he's going to help us. But there is no silver bullet to this investment problem. I read an article in one of the Toronto papers where the columnist said that she was looking for a cave to hide in. We can run but we cannot hide.

We have a massive investment fund, varying between $15 billion and $17 billion, depending on how that market is performing, and it's not performing very well. How that impacts, however, on our plan on the unfunded liability is simply that we need to have some courage. We need to be prepared to stay the course. We have made some changes in some of our investment policies. We're increasing some of our real estate holdings because we think there's a more stable return there, and we have evidence of that from other pension funds in the province of Ontario and in the country. We have made some other changes that are somewhat technical in our investment policies. But the investment aspect is only one of the issues.

The unfunded liability is currently sitting at $8 billion, which sounds like an atrocious amount of money. But to help understand it, fully one third of the premium that is paid, an average premium of $2.26 per $100 of payroll, is dedicated toward the elimination of that unfunded liability, and in fact, by 2014, that accumulated amount of the one third will be almost $5 billion. So the reality is that we have to find an additional $3 billion-plus from other sources.

I believe, and I've been told that it's the first time people can remember where we've actually got people on both sides of the great divide, if you will, pulling on the rope in the area of prevention and believing in our Road to Zero. I hear it every day; I hear it in every community. I was in Owen Sound the other day; I was in Parry Sound, speaking to the council. I've been to Ottawa, to Thunder Bay. I've been all over the province, and people have bought into this principle that there really are no accidents and that we need to do everything we can to drive down those numbers.

I mentioned earlier that when you're running an organization that is 40 years, 50 years, 60 years in the future, you've got to be able to stay the course and show some courage. I would just add, if I might, that the unfunded liability is what's recorded on any given day, the day that we actually file our reports for our annual report, so it's going to reflect what's happening on that given day. But we must, due to accounting principles, in-

clude all future liabilities. So we're actually taking the actuarially designed amounts of money and bringing them forward into today's accounting principles. It's a very unique system. We're the only insurance concept that's allowed to carry an unfunded liability, and we must also show that unfunded liability 40, 50 years down the road in terms of today's dollars. So the appearance is one that there's some kind of huge debt; that's simply not the case.

We're looking at reducing our growth in health care costs. There may be questions about that; we'd be happy to answer them. We're looking at reducing the number of incidents by 7% a year.

I should tell you that since 1999, Madam Chair, we have seen a reduction in lost-time injuries in the province of 27% and non-lost-time injuries of 15%. We are making headway. We saw a report at our board just yesterday on the current status of fatalities. We average two a week; 100 a year. It's an astounding number in Ontario. I am hopeful, God willing—we're sitting at 58 and we're heading into the last quarter of the year, and I'm hopeful that we're going to see a downturn in the number of fatalities so that we can eventually achieve our goal of zero.

It's all a very complex web that ties together to ensure that we serve injured workers, and frankly, that's our number one priority. So the unfunded liability is a concern, but we will not allow the tail to wag the dog. We must continue to serve injured workers, we must continue to work on prevention, and we must continue on our Road to Zero. We believe we're doing that, and our plan is sound.

Mr. Charles Sousa: Thank you.

The Chair (Mrs. Julia Munro): Any other questions? Ms. Albanese.

Mrs. Laura Albanese: Some injured workers in my community in the riding of York South–Weston have come to me to ask for help after being assigned I guess what you would consider inappropriate work considering the injury that they had, or they were asked to do work from home notwithstanding their condition. So it seems that in some cases, the company that they were working for was more interested in their good record than the condition of the worker.

You mentioned before that you have zero tolerance for companies who refuse to provide good-quality health and safety. What can a worker do and, more specifically, in your reviews, do you have any plans to improve maybe the workers' knowledge of their rights under the WSIB?

Hon. Steve Mahoney: If there's one hallmark, if you will, that I would like to be able to leave when I leave the WSIB, it's one of communicating rights and responsibilities to workers and employers. I just think it's really the secret to the future success on our Road to Zero. We don't support the return-to-work job being walking the boss's dog or doing something that is going to exacerbate the health problem of the injured worker. We have extensive return-to-work programs; we have extensive, what we call LMR—which is labour market re-entry—programs. I'm not happy with our labour market re-entry programs currently. I don't think that they really provide on-the-ground, practical retraining for workers. How do you take a 55-year-old construction worker with great big fingers and hands and teach him how to operate a keyboard? I don't think that's relevant.

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We've been negotiating with a number of unions, with LIUNA, with Labourers' 183. We've met with the CAW and others that we've talked about, about trying to get a worker back to work in the industry in which they worked when they were injured in the first place, because that's where their life is, that's where their knowledge is and their friends are. People fundamentally want to go back to work. When I hear from employers that there are workers out there who are cheating, as I hear from some unions that there are employers out there who are cheating, there may well be, but I categorically say, as I said before, that we're not going to allow the tail to wag the dog. We want to find the workers—because I believe the vast majority of people want to go back to work. It's what they are, it's where their friends are, it's where their life is, and we need to help them.

Communication: Maybe John wants to add to this in terms of what we do with injured workers who are undergoing rehab to try to get them to understand their rights. But it also involves educating the employer to make sure they understand what their obligations are.

Mr. John Slinger: I'll speak to just a couple of the points that Steve mentioned.

One, of course, is the practice that exists out there, in some cases, where workers are taken back too early or left at home being paid full wages. When those cases are brought to our attention, we take appropriate action. I would say there are really a couple of reasons for this. I think our experience rating program needs to be looked at from that perspective, and in fact we're in the process of that review; in other words, what are the unintended consequences of the experience rating system? Certainly, I think the work that's going on now is identifying those and determining what in the design of our experience rating program is contributing to those unintended consequences and what you can do to lessen them, mitigate them, remove them. That's obviously something you need to do. You need an appropriate incentive program that's incenting the right behaviour, not the wrong behaviour.

The second thing would be what I would say is the fallout from the legislative and government direction received in 1998 with respect to the self-reliance model of return to work. The direction that we received very clearly, both through legislation and through the Jackson report that came out in 1996, was that the board should back out of return to work, that in fact the board provides too much vocational rehabilitation, the board creates too much dependency, it should be left to the workplace parties; they are in the best position to resolve return to work. While I think that, as a principle, is a fair one, what we did as a result was become very passive around return

to work. The legislation specifically removed vocational rehabilitation, said that we could arrange for labour market re-entry, but didn't put us in a position of actively helping the workplace parties reach good solutions on return to work.

I will say that the new service delivery model that we have recognized the need for through the Road to Zero initiative is really about getting more of our staff in specialized roles in the community, in workplaces, to actually work with workers and employers to identify more quickly the kinds of circumstances that we certainly don't believe should exist. In fact, the rollout of a new service delivery model, which will affect 1,500 of our front-line staff, started this week in the Ottawa and Kingston offices, and over the next seven months, we will be rolling that out in 14 offices throughout the province, which will be the entire province.

Again, from our perspective, we have seen too many things that have told us that the passive role we have played in the past is not contributing to the best results.

I think those are some of the things that we need to do to do a better job.

Mrs. Laura Albanese: Just one more question: You mentioned that you have these negotiations going on with the different unions. Are those part of the review?

Hon. Steve Mahoney: The review on experience rating?

Mrs. Laura Albanese: Yes.

Hon. Steve Mahoney: We actually started them long before. I had this idea that—because I was going out to some of the training centres. I'm sure many of you have had the chance to see some of the training centres that exist that unions run in this province. They're absolutely amazing. I went there, particularly to one that Labourers' 183 runs, to present certificates to young people who are graduating into the workforce as apprentices. I saw an opportunity there: As well as educating apprentices, why not help us to retrain workers who have been injured in the construction industry right in this training centre, where they have all of the facilities, the know-how, the technology, everything that is there?

We haven't made a deal with them yet, but we have had these discussions. They were very warmly received by those folks, and we've expanded those discussions. There is a need for certain labour market re-entry training in a classroom, if you will, in certain industries, but I think there's also a great need in other industries, where the classroom is somewhat irrelevant, to get that retraining done in an atmosphere that these folks are comfortable with and used to. We hope to be making some headway in 2009 in announcing some training programs directly with these people.

Mrs. Laura Albanese: Thank you.

The Chair (Mrs. Julia Munro): Anyone else? Mrs. Sandals.

Mrs. Liz Sandals: A few years ago, I had the opportunity to serve on the Small Business Agency of Ontario, and it was at the time that the Ministry of Labour was looking at some of the issues in the construction industry around premium coverage, who was covered, what policy changes would be appropriate and whether to go to named insured. I notice that there was a recommendation the last time this came up around named insured.

I understand that some of this is an issue of Ministry of Labour policy and you're a creature of whatever the policy is that's passed along from the Ministry of Labour, but clearly the underlying concern that folks had was whether or not all the premiums were being appropriately paid to reflect the number of workers that were actually on the job, particularly when you got to non-unionized construction sites with a lot of subcontractors.

I'm wondering, aside from the policy piece, where clearly there wasn't any consensus on how to resolve the issue: Is there anything you can do from your end to try to make sure that premiums are being paid more effectively to make sure that you have the ability, from a financial point of view, to cover people who are injured on the site in construction—that there actually is the revenue flowing to cover that? Because there seemed to be a concern that there was a mismatch between the premiums being paid and the injuries actually occurring.

Hon. Steve Mahoney: I've said in the past that I support mandatory coverage in the construction industry. It is the government's decision, and they have our advice on that particular issue. If the decision is made to expand to mandatory coverage, there will be a rollout and implementation period that we will be aggressively and actively involved in.

I should say, at the risk of getting myself into a bit of trouble, that I frankly support mandatory coverage for everybody who works in the province of Ontario. We only cover 67% of the workforce, unlike BC, where I believe it's 98%. That again is a topic for the government, for another day and for great debate, but I would frankly like to see that happen. I think it's a critical issue. In construction, there are many, many small companies where that kind of coverage is not available to the workers, and I think it absolutely must be.

You raise other issues: named insured. The construction industry may well be the place where a pilot of named insured might make the most sense, to see how it works. But I would caution, as I have in the past, that named insured is not necessarily a silver bullet in terms of the coverage. We need to look at this from various different fronts. We have had a working committee, at the request of the minister, on named insured. We have not arrived at a consensus yet on that particular issue, but we continue to discuss it, both with officials within the ministry and with people on our task force. It's an idea that has not necessarily died, but we haven't come up with a resolution.

1020

The issue of proper coverage is, frankly, really very important, because I think workers need to be able to go to work, first of all, hopefully not to get injured, but if an incident does happen, they need to have absolute assurance that they're covered. We will always cover them, by the way, regardless of whether or not a premium has been

paid. We don't discriminate in any way whatsoever in that regard. We will then go back to the employer if in fact they are, let's say, hiding from paying the premiums. We've had a voluntary registration system put in place where we have—perhaps the staff can give some numbers on how many new companies we brought in the door as a result of our voluntary registration. We have changed the system so that if someone does come forward in the future voluntarily, they may have to pay retroactive premiums, but they won't be penalized.

On the other hand, we work with the Canada Revenue Agency to seek out any employer who tries to hide and not pay their fair share. All employers and all workers should join with us in that, because the employers who are in fact paying the premiums are being penalized by those who are ducking their responsibility and the workers are not being given the proper health and safety training. I would submit that any company that hides and refuses to pay premiums to the WSIB is likely not providing a joint health and safety committee, a safety rep being trained or any kind of secure health and safety training for their workers. We should all collectively put a stop to that as quickly as we can.

Mrs. Liz Sandals: So is the arrangement with the Canada Revenue Agency new—the ability to share information?

Hon. Steve Mahoney: Perhaps, John, you can expand on that.

Mr. John Slinger: We entered into an information-sharing agreement in 2004, we started a pilot in 2005, and it has come into our mainstream work in 2006. Since that time, we have in fact found, through data information matching, and registered 16,000 employers who were otherwise non-compliant. We have collected about $50 million in premiums from those employers, so that has given us a real sensor, as it were, in terms of the underground economy. It has been, of course, of tremendous benefit.

Once we had that program up and operating—we now have an annual sharing going on—we thought it would be helpful to go out with a voluntary registration campaign on the basis that there are now significant consequences: We have an ability to find you now that we didn't before. The voluntary registration campaign that we started last October has added an additional 12,000 employers. So with respect to those two initiatives alone, we've added 28,000 employers who, again, would otherwise not be registered. When Steve talks about flying below our radar, we generally find it isn't just that they don't pay premiums, but they are also non-compliant with their health and safety requirements and various other things. They really represent workplaces where workers are left in very vulnerable situations. Again, I think that agreement has given us some real leverage to deal with the underground economy.

Mrs. Liz Sandals: So that's a significant improvement, then, since I was involved with the SBAO in order to find some of the delinquent companies and get them paying. That's good progress there. Thank you very much.

The Chair (Mrs. Julia Munro): We'll move on. Mr. Bailey?

Mr. Robert Bailey: Welcome, Chairman Mahoney and the rest of your team. I wanted to thank you at the outset for the work that your agency has done with labour and management in the province to reduce injuries to people in the workforce. Before I joined this esteemed association here, I spent over 30 years in the workforce myself and had the opportunity to be a member of the joint health and safety teams that you alluded to earlier. I also had the opportunity as management to work on the other side of the fence for some of the things that you alluded to about bringing contractors in, and we would be responsible for them and work with them to make sure that the safety and health rules were enforced.

The joint training centres you talked about are interesting. We have a number of training centres that are being built in Sarnia–Lambton, my riding, by the unionized labour community there. I think that's something that I'd like to see us follow up on—the training—and do it right in Sarnia–Lambton.

Moving on, I guess my first question—I'd like to talk about the unfunded liability. Last year, in the 2006 annual report, you as chair heralded the $500,000 drop in the unfunded liability, and you went as far as to proclaim that the board looked like it was "starting to turn the financial corner." Some people might say that we turned the corner into a brick wall.

In 2007, the annual report advises that the same liability has increased an incredible 35%, or over $2 billion in a single year. It's now over $8 billion from last year, according to the WSIB's 2007 annual report. Surprisingly, in light of your good-news message in 2006, I understand that you were a little silent on the news this year on that deterioration. I think you alluded to it a little earlier in your answers, though.

While the board still has a mandate to eliminate the unfunded liability by the year 2014, what measures are you going to put in place to do that? Are you going to raise premiums on employers or are you going to cut benefits, or maybe you just haven't come out and said that you're going to try to move away from that 2014 target?

Hon. Steve Mahoney: Madam Chair, I've never really been accused of being silent on something, so I won't be now either. We have a plan that I will admit is in some jeopardy as a result of the performance of our investments, but as you would know, we're not alone in that regard. Everyone, including all or any of you who have personal investments, would know what a rough ride it's been lately. Every night at 11 o'clock you watch the news and you see the stock market going down, down, down, and it's very disconcerting. However, it's not the only block in our plan; it's not the only important aspect. We have identified a number of key assumptions that will help us to achieve our target of eliminating the unfunded liability by 2014. As I said earlier, one third of

our premium fully goes toward the unfunded liability, and by the year 2014 that amount will have accumulated in the neighbourhood of $5 billion. So the unfunded liability is a 40-, 50-, 60-year look at the obligations that the board has, determined by actuaries, as to what we're going to have to pay in benefits, whether they're rehabilitation benefits, death benefits, survivor benefits or whatever it happens to be. It's a long-term picture that we're looking at. But we must report it, due to accounting principles, in today's dollars.

As I lie awake sometimes at night, contemplating the frustrations of what's happening with such a huge investment fund, I always wake up in the morning with a view that we must stay the course, that we have frozen premiums for the third year in a row, which is a message to employers that says, "We do not want to impact negatively on the economy. We believe that we're an asset that belongs on the asset side of your ledger sheet, and we want to give you some kind of future planning ability in the area of premiums." At the same time, I supported and indeed even recommended to the government that we reintroduce indexation for injured workers, something that was taken out in the early 1990s and that was reduced again later in the 1990s: the Friedland formula and the modified Friedland formula which, frankly, were a slap in the face to injured workers, in my view, and needed to be changed. It was my opinion, and supported by my team—and the government shared the opinion—that it was time to put indexation back into the plan. It's been put back in; it's a cost of $2.3 billion. There is nowhere to hide these dollars. If the dollars are not sitting in a bank account, it goes in the unfunded liability.

We can identify where the issues are that have driven that UFL to the level that it's at today, but we can also identify the solutions. Reducing the growth in health care costs is a huge issue. We spend over half a billion dollars a year at the WSIB. We're the second- or third-largest insurance company in North America, and when a blip occurs in the investment market of our average $15-billion investment fund, it can have a very strong ripple through the system. But we need to have some courage, and I do have confidence in the staff, led by Malen Ng, who couldn't be here today due to a family death, but our CFO, led by Jill Hutcheon, who has shown tremendous character and has frankly taught me an awful lot about this system that I thought I knew and realized once I got inside the tent I didn't really understand it; I think I do now.

1030

We need to stay the course. We need to reduce injuries. We've targeted 7% a year as the reduction target for injuries. Some would say we're simply offing the responsibility to business and employers to reduce their numbers, to try to make our numbers look better. I say that's nonsense. What we're saying to employers is that they need to come inside the tent with us and try to reduce the number of injuries, illnesses and fatalities.

In 2006 and 2007, we lost 100 people each year to incidents and fatalities in the workplace and another 250, on average, died from occupational disease. The WSIB was responsible for survivor benefits and funerals for 350-plus people in each of those years. This is an outrageous number that people—frankly and with greatest respect, I say everywhere in the province, including the Legislature, should be demanding that we drive those numbers down. Employers need to lead the way because it is their responsibility to take care of their workers first and foremost, absolutely no doubt about that. But it's a shared responsibility to make sure that the workers, when they get the training, implement what they've been taught, if in fact they've been given that training; that they have a right to refuse unsafe work, especially our young people. Ten of the 100 killed in the workplace in each of those years were kids working at part-time jobs. I just cannot tolerate that. The most difficult thing I've had to do in my two and a half years is to sit and talk to the parents of some those kids, and only imagine what they're going through, the frustration.

So we have a plan. It's robust. It's one that we monitor literally daily. We have various target numbers that we need our partners to come to the table and help us achieve if we're going to succeed. It would be premature for us to move off that plan even though the markets are scaring the daylights out of us on a nightly basis. We've got to stay the course and we've got to ensure that everybody in this province buys into our Road to Zero campaign.

Mr. Robert Bailey: A second question: I notice in the response to question 8, in the questions from the original committee, you talk about small business, that the WSIB continues to work with small business stakeholders to assist in reducing accidents in the workplace. I think one of the statistics in there is that 38% of workplace fatalities, at least in 2006, were in small businesses.

Can you expand a little bit upon that? What are you doing with small business, the chamber of commerce and labour to try to reduce that total?

Hon. Steve Mahoney: I met very recently with the CFIB to discuss some of these issues, and my staff may wish to add some things. It probably shouldn't be surprising that 90% of the firms registered with the WSIB have fewer than 20 employees. Our economy is very much built around small business. Even though we see the heartache and the heartbreak of closing auto plants and the problems that's causing around the province, this province is really built on small and medium-sized businesses. We have improved our access to information with small business.

We work with municipalities. Some of you may know I've been on a little bit of a crusade, going to municipalities to sign our community health and safety charter. Close to 30 of them have signed on so far, and if I showed you my schedule between now and the end of the year, you'd be surprised at the number that we're going to. We're going to get the mayor and the councillors to become champions of health and safety and work with businesses in their communities, their boards of trade, chambers of commerce, Lion's Clubs, Rotary Clubs,

whatever it is, and to talk to kids in schools about this kind of issue. Get 'em young; you know?

One of our staff came up with a wonderful idea to develop a colouring book for kids five, six and seven years old. It's just amazing. It goes into the schools in the early education years, being a firm believer in the principle that if you haven't got to them by the time they're seven, it's probably too late. They can colour in work hazards, they can colour in workplaces, and say, "That's where my daddy goes to work," or my mummy or my big brother or whatever. Start teaching them young. They will become owners of small businesses in the future.

Those municipalities, many of them—if not all of them—have self-help facilities within their city halls or their community centres where business people can go in and learn how to register a business, get information perhaps on some additional financial help, things of that nature.

I was the chair of a committee in my time in Ottawa that worked with young entrepreneurs, and I know how important that access to information can be. We are ensuring that our information is available to small businesses everywhere in the province. My staff and I have met with Harinder Takhar, the Minister of Small Business, to talk about how we can better integrate our policies and help all businesses, small, medium and large, understand that health and safety belongs on the assets side of the ledger sheet.

I could probably go on, which wouldn't surprise you, but perhaps I'll ask my staff to give some specifics about some of the small business initiatives that we've undertaken.

Mr. John Slinger: When we started to think more about small business—and this would go back about eight years, when we first established a small business group and a small business area—we did a number of focus groups to really find out how to reach them from a prevention point of view, from an information point of view. Of course, some of what we heard was, "We're working the front lines. We aren't just sitting in an office all day. So you need to be very flexible; you need to give us lots of options in terms of reaching you. We need 24/7 service." Those are the kinds of things we heard, and, "Just sending us paper doesn't do it. We actually need to hear from you."

One of the things we developed at that time was a small business guide, so that any time a small business registers with us, we send out a guide and then we follow up with a telephone call and a visit. From our perspective, that has been very helpful, and certainly we've gotten good feedback. That really came out of the focus groups that we did.

The other major thing has been the e-services that we've developed. We now have all of our major reporting online—the calculate and report premium—which was established in 2006, which allows someone to go online, calculate and report online in a secure fashion. We now have 30,000 employers, mostly small business, signed up to do that—so again, trying to identify what those needs are and working with small business.

Tom may have some more with respect to the prevention side. We will, by the end of this year, have established a small business centre of excellence, which is a further enhancement from the small business area that we had developed several years ago. So again, we're continuing our efforts to understand how best to provide service and how best to get messages of prevention out to small business.

Mr. Tom Beegan: If I may, just two points: The first one is that in order to get to zero, we have to come up with innovative ways of doing things. One of the things that we're doing right now is a pilot where, in the restaurant sector, we want to design a hazard identification risk assessment model that doesn't use any language; it's based on colours and symbols. We're quite excited about the potential that may have in other sectors.

The other thing we want to do, starting in the new year, is to have available for every newly registered firm that's a small business practical advice to mentor them through the system, in terms of how they can have prevention in the workplace, and also to explain to them how the system works so that they can do it for themselves. We've got to realize, as John and the chair have said, that these companies don't have the back-office support of HR, IT or health and safety. They are who they are: Their office is their kitchen table. They're out there to make a living. Some of them get by—one of the startling facts we've discovered is that 50% of small businesses are not around after three years; they don't survive. So we've got to make sure we're doing all we can. We work across government agencies to make sure we're doing our bit to make sure that they can run a profitable and a safer business.

The Chair (Mrs. Julia Munro): You have a few moments, if you wish.

Mr. Robert Bailey: No, that's fine.

The Chair (Mrs. Julia Munro): Okay. Thank you very much.

Hon. Steve Mahoney: I would just like to add, if I might, that I wouldn't want to give you any kind of impression that we think we've solved the issue around small business, because I don't think we have yet. It's an evolving and ongoing issue. We need to recognize, and we do recognize, that most small business people, particularly new start-ups, are trying to stay above water. Frankly, the last thing they're thinking about, in many instances, is either health and safety or paying premiums; they're not looking for other places to pay money, I can assure you. We understand that and we want to be helpful. We want to be going out in a proactive way to show them what a positive investment health and safety can be in their particular business. We have staff who are on the road, doing exactly that kind of thing.

We are not by any means resting on our laurels on this matter. We think it's a huge challenge, and we work very closely with the CFIB and with other stakeholders to try to get our message out there.

1040

The Chair (Mrs. Julia Munro): Thank you very much. M^{me} Gélinas.

M^me^ France Gélinas: I'd like to talk a little bit about issue number 6, where the recommendation was: "The WSIB evaluate the effectiveness of the 'deeming' provisions regarding the employability of injured workers." Well, we all know that "'deemed' to be receiving wages 'in the absence of actual employment earnings'" was causing some grief, and many groups criticized the practice. Bill 187, the Budget Measures and Interim Appropriation Act, 2007, came into play to address this issue, and the Workplace Safety and Insurance Act was amended to remove the concept of "deeming" and replace it with "determining."

I will read the actual section, 43(4) of the act, which states: "The board shall determine the worker's earnings after the injury to be the earnings that the worker is able to earn from the employment or business that is suitable for the worker ... and is available." It's quite clear.

I'll open it up wide and I'll dig in a little bit more: How is it working out?

Hon. Steve Mahoney: How is it working out? Deeming is a problem. I understand that some labour groups are of the view that we have not eliminated deeming. While I'm somewhat sympathetic, our intent is to work more closely with injured workers to ensure that, when they are ready to go back to work, there's a job available for them. That's a really big picture and a big challenge for us at the WSIB. As you would know, we have a somewhat limited impact on the state of the economy, but it is a stated goal. We've talked, and I'd like John to expand on this, about improving our LMR training so that we can retrain people, so that when they are ready to go back to work, they've been retrained in an area where there is a job available, because job availability is what was added to the legislation, and frankly that's the most important thing.

It is an ongoing process. Some of the things I've talked about in negotiations with some of the trade labour movement unions were about providing that training and trying to get people back to work in the industry in which they were injured. Things of that nature we think will add to it. We've had some discussions about expanding the time for a job search. We haven't come to a resolution of that particular issue yet, but it's a work in progress for sure. John, do you want to expand on the issue?

Mr. John Slinger: I accept what you're saying in terms of labour's view of how our policies have been developed and their concern that they haven't taken into account what the legislation has suggested to us. Certainly our view is that the legislation hasn't created an actual wage loss system; it continues to be an estimated wage loss system. The availability of suitable work, of course, was the key change from our perspective. The legislation was passed July 1. We came out at that time with an interim set of policies. The legislation of course included the indexing—the ability to go in after 72 months where there had been a deterioration—and the issue around estimating long-term earnings loss.

The policy that we developed we believe properly and effectively captured the spirit of the legislation and represented a clear improvement from where we had been. We held the consultations over a three- or four-month period and we received about 50 responses from labour and employers. Certainly we did hear criticisms. I would say that while we understand the criticisms, we also felt that we needed at least a year working with the policies to see what impact we were seeing. It's now been a year. We're reviewing the impacts now. Certainly when we go out in the new year with final policies, we would expect to have taken into consideration the feedback we received from all sides. But again, we believe there's been a change, but that change doesn't make what has been an estimated wage-loss system an actual—it's still an estimated wage-loss system, but it is aimed at us doing a better job in approximating that long-term wage loss.

I think Steve is absolutely right when he says that the key to this continues to be the effectiveness of our labour market re-entry programs. I think that we need to be working on those at the same time, because the key to all of this continues to be restoring workers to the highest possible earning capacity. Our trends over the last several years show that there have been increasing numbers of workers whom we have been paying 100% long-term earnings to, which again suggests that we aren't doing as good a job as we should in terms of restoring workers, because that's really where it's at. Certainly, my view is that workers want to go back to work and that they want to go back to work at as close a wage as possible to their pre-injury wage. So I think that it's not just getting the policy straight with respect to estimating earnings, it's also the labour market re-entry programs that we provide.

M^me^ France Gélinas: When I read it, everybody understood what it meant; it's clear as to what it means. But the interim policy that you've put out didn't help it; it actually made deeming worse than it was before. There are still workers out there who do not have actual jobs, who do not receive salaries or benefits while they are doing a job search, but yet their WSIB is still reduced to reflect earnings that they don't have and that they don't have any hope of getting. This is what taking out the deeming was supposed to take out, but it is still happening. The bad faith in the field is palpable. What are you going to do?

Mr. John Slinger: I think that, again, the point I made earlier was that we haven't made those policies final, and we are looking at the impacts. I can say that so far we're not seeing it show up in areas like increasing appeals, which is often where it does. We aren't seeing that, but again, we are looking at the impacts, and we appreciate that we have held a consultation and have listened to the issues that have been raised.

M^me^ France Gélinas: So we can expect some changes from the interim policies to the final?

Mr. John Slinger: Yes.

M^me^ France Gélinas: That will go into the spirit as to what Bill 187 was supposed to do?

Hon. Steve Mahoney: Well, let me just say that the spirit is that we want to get workers who want to go back

to work healthy and back to work. It's not in our interest, as an organization, that we wind up with someone getting a job that not only denigrates them individually and their training and experience, but pays them less than what they were making before, and then we have to make up the difference. It is in our interest and in the interest of injured workers—and I stress that, "in the interest of injured workers"—that we get them back to work in jobs that they're happy with and pleased with and proud to do. We're going to be looking at this carefully. I said in my opening remarks that we live in this world of competing ideas and values and concepts, but I can assure you that we want to resolve this thing as much as you do.

M^me^ France Gélinas: Way back in the 1990s, the Tory government privatized the vocational rehabilitation services, and WSIB created what is now called labour market re-entry, or LMR. You referred to the labour market as one of the key areas to respect the spirit of 187. We hear constant complaints from workers about the substandard training that they are receiving from those labour market re-entry programs. I'm asking you today: Would you consider bringing those services back under your board so that it provides higher-quality services than those being provided by the private sector right now?

Hon. Steve Mahoney: What I mentioned earlier about our negotiations with some of the unions to provide that training more in the sector in which the worker was working prior to the injury is an ongoing issue. I very much believe in that. By the way, it's unlikely that you would hear from people who are happy with the training that they received in LMR, but we do know that there are many, in fact, who are retrained and put back into the workforce. In fact, some of the data that we have—because we do constant polling and analysis of the views of people—our Ipsos Reid analysis shows us that 71% of injured workers are satisfied with our claims process. That's not nearly high enough, but it is a substantial number. In fact, since 2004, there has been a 120% improvement in those numbers. You can go on and say that 81% of employers felt the WSIB gives them value for money, but it's the 19% that we hear from, not the 81%. So—

The Chair (Mrs. Julia Munro): Thank you very much. We've run out of time. Mrs. Van Bommel.

1050

Mrs. Maria Van Bommel: Thank you very much for being here today. I certainly have to say that your "There are no accidents" campaign is very effective. It's difficult to watch, but I think it certainly gets people's attention.

I also know that twice as many people die of occupational diseases as they do of the traumatic fatalities that your "no accidents" campaign is trying to address. Can you tell us how you're addressing the occupational diseases area, particularly in reference to recommendation number 9, where we talk about a scientific advisory panel?

Hon. Steve Mahoney: It's actually two and a half times as many who die from occupational disease, not twice as many; it's greater than that. Last year it was even higher than that. It was 269, I believe, who died from occupational disease. These diseases can have incubation periods of 15, 20, 25 years before the fatality occurs. The hardship that it causes during those periods of illness and the treatment and also the cost is quite enormous, so it is in everyone's interests, but particularly in the interests of those who become ill, that we address this.

I'm going to ask John to expand, but I just want you to know that yesterday at our board meeting, our fairness commissioner, who is like our ombudsman—an arm's-length independent person whom people can appeal to when they're dissatisfied with a service or whatever—came before our board to give us a report on how we were doing in occupational disease. It was such an outstanding report that I wanted to issue a press release immediately following the board meeting. This is not a person who is necessarily given to passing around accolades. But there are reasons for all of this, and I'll let John expand on the creation of our new occupational disease division under Marjorie Mercer.

Mr. John Slinger: Just a little comment on our fair practices commission: It was created about five years ago to receive individual complaints and to resolve those complaints, but also to identify where there were a number of complaints and we had a systemic issue. Fair practices has identified five or six systemic issues with us that we have worked with them on over the period of years.

An issue that they identified with us at the end of 2006, early 2007 was around occupational disease. It was around the service that we provided, the length of time it took these claims to be decided. These are issues that have the highest emotional quality of all the cases we deal with. These are often survivors, where the worker went into work years ago unsuspecting and then years later, as a result of exposures that weren't well understood, has now contracted cancer and of course in some cases passed away. Certainly, the cancer claims are the toughest. It is fair to say that we have long struggled with those claims because they are challenging on many levels. We often have to go back years in terms of the information gathering, the exposure information, the medical histories. The scientific evidence is often not clear with respect to the relationship between a particular substance that someone was exposed to and the disease. In addition, those cases often arise in clusters. We saw a major cluster in Sarnia. We've seen a major cluster in Kitchener, in Peterborough, in Dryden and most recently in Fort Frances, where suddenly 300, 400, 500 claims came forward out of the same one or two workplaces.

We had struggled with those issues and, I think, tried to respond to the usual work, but also to the clusters that would come and create great peaks of work, and the fair practices raised some issues that certainly we believed were valid. As we started to look and examine individual files and data, it was our view that we needed to do more on a systemic level to get at these.

The Chair (Mrs. Julia Munro): I must ask you to wrap up. We are running out of time.

Mr. John Slinger: Sure, yes.

Let me just get to the upshot, because we created a new division. We have added resources, changed our processes. The result is that we have gone from 1,100 cases to 200 cases that were outstanding longer than six months, and from a fair practices point of view 200 is probably about the right number, because there are always going to be claims that go on longer. We have also added on our research side a commitment in dollars to getting additional research. We have also embarked on some significant work in the area of prevention, which allows us to go in in situations where there was previous exposure, but also those situations that were just identifying with new exposures, bringing the employers, labour, the Ministry of Labour and ourselves together. Certainly, in the handling of the two most recent clusters, all parties have been on deck from day one. From our perspective, we've developed a model that works—so a good-news story.

The Chair (Mrs. Julia Munro): Thank you very much.

Yes, Mr. Bailey?

Mr. Robert Bailey: How long do I have?

The Chair (Mrs. Julia Munro): Oh, you have—

Mr. Robert Bailey: A few minutes?

The Chair (Mrs. Julia Munro): Yes.

Mr. Robert Bailey: Okay, I've got a couple of minutes, then.

I raised an issue in the Legislature in the spring about bringing the Auditor General in to look at the financial affairs and other funding situations of the WSIB at that time. I understand there were certain employer groups who also wrote letters to the Premier and the government at the time. Since then, they've published your annual report where you said—and I know you've explained that a lot of it has to do with the market, and I can understand that. But there are still some issues out there.

As far as bringing the Auditor General in to look at the affairs, I wanted to ask your opinion. I want to quote an esteemed former member of this House, a member of provincial Parliament, in Hansard—I think it was October 27, 1993. The member, Mr. Mahoney, said:

"Regardless of who is in power in the province of Ontario, the Provincial Auditor, as I see it, is a watchdog the public should have some confidence in....

"The auditor is supposed to be independent of government influence, independent of agency influence, independent of any influence. It's his job to analyze what's going on in the government, regardless, as I said, of who is in office."

Again, I think it was in 1999, the same member, Mr. Mahoney, said:

"We all know the provincial audit that comes out on the government of the day, at which time they delve into shoes in the closet, literally, which in terms of an accounting audit would hardly be considered normal in the business of accounting where a large accounting firm comes in and analyzes the books, so to speak. There are often comments made about a government of the day that some of its activities are inappropriate or the auditor finds something wasteful and this is not, clearly, the same as if you owned a company and your auditors came in to check your accounting procedures."

In view of those comments you made at that time, has your opinion changed today because you're now the chair, or would you still—

Hon. Steve Mahoney: If the government decides it wants to send the auditor in, that's fine with me. I just have to tell you what I have learned in the past two and a half years, notwithstanding my comments that invariably resurface as I travel the province, which only goes to show that I understand the game or the business that, when you're questioning something in opposition you have clearly a different role, and I respect that role tremendously. But we have been audited. We've had internal audits done, and I'm going to ask our president, Jill, to just tell you a little bit about that.

Before I do that, though, might I just say, because we ran out of time, that the person who came up with the idea to create the occupational disease division inside the WSIB was Jill Hutcheon, and she deserves tremendous credit, along with Marjorie, who is doing great work in that area. It's off topic, but I didn't give her a chance to respond to that issue, and I just want folks to know that.

Do you want to just explain how we've been audited?

1100

Ms. Jill Hutcheon: Yes. I would say that we have been audited extensively.

In 2003, we had a third party audit that was directed by the Ministry of Labour that came in and made 63 recommendations that dealt with efficiency, effectiveness, looked at all aspects of our business; and we put in place, on the basis of that, modern controllership functions. That third party audit came back and did another report two or three years after that and gave us a clean bill of health in terms of everything that had been put in place.

As well, on an annual basis, we're required, under the legislation, to do value-for-money audits. So, again, we have auditors from the outside come in and look at a particular part of our business; in fact, this year we're going to be looking at appeals. This has happened over the course of the last 10 years.

As well, I would indicate that a senior representative from the Provincial Auditor's office sits regularly on our audit and finance committee and so very much has a chance to see all of our books. In fact, at our last meeting they commented to us about the openness and the transparency with which we were doing business.

So we do get audited a fair amount and, as the chair said, internally as well.

Mr. Robert Bailey: That's probably because of the chair's comments years ago.

Hon. Steve Mahoney: If I could make a brief point as well, I'd refer you to some comments I made when I was vice-chair of the Select Committee on Education, at which time I said that constantly pulling up the roots of a tree to examine it is eventually going to kill the tree.

So if we were being secretive or lacking in co-operation in any of these items, the document that I have had prepared by our staff, which I've shown the member here, very clearly outlines what our goal is and our obligations are. We're very transparent. My door is always open, and we meet with our stakeholders. But I understand their anxiety; I share it, as a matter of fact, again, at 11 o'clock when I watch the news and see the results of the investments of the day. But we still believe that we're on the right track.

Mr. Robert Bailey: The other item in the 10 was item 4, about safe work associations and delivery of education training and consultation services with the workplaces. Could you speak to where you are with that or how successful that is?

Hon. Steve Mahoney: I'm going to ask Tom Beegan to. Before he does, though, I want to tell you that I go out and meet with and speak to our safe work associations, our HSAs, as they're called. We have 14 of them that we fund a very substantial amount of money. There are the familiar ones, the IAPA and the construction safety and the transportation safety, but we have municipal, we have all these different sectors. I think they do some great work, but times are changing, and we all need to respond to that. As I said in my opening remarks, we need to be able to be free to evolve into becoming a better system. Tom Beegan, since he joined us from being the head of the worker compensation system in Ireland, came over as our chief of prevention and is leading some negotiations with those groups.

Mr. Tom Beegan: Just to pick up on the point that Steve has just raised, we have a group called OSHCO, which is made up of the 14 agencies that we fund as associations, and it also includes the Ministry of Labour and the Institute for Work and Health. Everything we do is linked back and has a clear line of sight to our prevention strategy that we rolled out in February of this year. It has four key thrusts, which are: We want to create this national habit of safety; we want to provide leadership in aligning the system; we want to make sure that our decisions are made on evidence; and we want to make sure that we have the capabilities to do the job. So the central piece about the organizational structure is a conversation that we've had since then with them. We're now at a stage where we believe and we have agreed collectively that there should be a smaller number of HSAs, more focused, with a clear remit to have more resources on the front line so that we can have more sector-specific responses that are tailored to all the issues the members have raised earlier here today as part of our meeting and that we get to achieve zero quicker. So we're there. We obviously have issues to discuss, and we have a process by which we're going to discuss them. I'm meeting with the boards of each of the HSAs in the next month. We're bringing together the chairs and vice-chairs and CEOs of all the HSAs in October to have a final discussion, and I'll report to the board in November on the outcome of that. But our success criteria is around the resources that we have on the front line to protect the workers and to provide practical tools to employers to help them get to the road to zero quicker. So we're pleased about the cooperation that we're getting.

We also, from this year, have a governance framework with everyone we fund. That governance framework sets out the standards by which they're designated. The board annually reviews the performance of these laws and determines their designation for the following year. From this year onwards, the funding given to HSAs will be tied to targets. We have agreed on a model by which we look at all the companies we insure to make sure that each partner has the appropriate business to go and see and to work with, so whether that's providing educational advice, providing an audit, as we do, or indeed, in some cases, unfortunately, the Ministry of Labour going in and making people do it. That's why we believe we should make sure that our resources are properly targeted.

Hon. Steve Mahoney: If members have an opportunity to go to the great city of Mississauga at some point in their travels, I would encourage you to go to Creekbank Road to the facility that has been set up, which is a combination of three of the HSAs working together to share backroom costs and administrative costs and things of that nature. The IAPA, transportation and the services sector all work together. It's a wonderful facility that provides great opportunities for training. Frankly, I think that if we had some of that kind of co-operation among the HSAs around the province, that would be a great thing.

The Chair (Mrs. Julia Munro): Thank you very much. This concludes the time available, and I want to thank you for being here today.

I'm going to, just for the benefit of committee members, provide a five-minute recess because we need to have a closed session before we begin the second open session on Ontario Lottery and Gaming.

So the committee stands recessed for five minutes. We'll see you a in short time to resume on Ontario Lottery and Gaming. Thank you very much.

The committee recessed from 1105 to 1114.

The committee continued in closed session from 1114 to 1144.

The Chair (Mrs. Julia Munro): Welcome to the Standing Committee on Government Agencies.

ONTARIO LOTTERY AND GAMING CORP.

The Chair (Mrs. Julia Munro): We're using the second part of our time today for the Ontario Lottery and Gaming Corp. We would like to welcome you here to provide us with a follow-up from last year's discussions. For the purposes of Hansard, I'd ask you to identify yourselves. As you no doubt know, we have allocated a very brief time—we're looking at five minutes—which will give the members of the committee the opportunity to ask questions. Please begin.

Mr. Michael Gough: Thank you for the opportunity to appear before the committee today. I'm Michael

Gough, chair of OLG, and with me is Kelly McDougald, our chief executive officer.

It's been a very long two years since we last appeared before this committee. Just after our last appearance, we were the subject of a very public examination of retailer lottery wins and, six months later, a highly critical report by Ontario's Ombudsman.

Following the release of the Ombudsman's report, the board committed to making fundamental change in OLG to restore public trust in the organization. Change started at the top: In the last two years we've had significant changes in our leadership and in our executive team. Principal amongst those changes is Kelly McDougald, who was recruited and hired by the board of directors following a North America-wide search by one of Canada's leading recruitment firms. A special committee of the board was also struck to oversee comprehensive change within the organization. That change has affected our very organizational structure. It has affected our policies and procedures, our technology systems and, most importantly, it has affected the way we sell our products and the way in which we treat our customers.

Our corporate culture has also changed. It's not yet complete, however. It will remain an area of continuous improvement for this corporation for the foreseeable future.

One thing that has not changed is the commitment, at all levels of this corporation, to responsible gambling. We've adopted a number of the recommendations made by this committee to us a year and a half ago. In addition, we've taken a number of other steps. We've committed to expanding the responsible gambling resource centres from the two pilot projects we had at Windsor and in Niagara Falls to all 28 of our sites. We're moving to significantly strengthen, in ways we'll describe today, our self-exclusion program. Finally, we've broadened and deepened our relationship with our responsible gambling stakeholders.

I'd like to ask Kelly to complete our brief statement.

Ms. Kelly McDougald: Thank you, Michael, and good morning to members of the committee. I have now been the CEO for OLG for the past 11 months. Since my time arriving on-site, I have spent some time assessing the business. Let me first say that I think it is a tremendously exciting industry—Ontario has great assets—and it's a growing industry, so we have lots of opportunity there. I will say too, however, that the organization has a requirement for some cultural change and that there are business opportunities ahead of us. We have had very modest growth in the top-line revenue performance and we have had a declining bottom line. Therefore, there's an exciting opportunity for me, as the new leader, to take on this organization and make some impactful and positive changes.

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In the short time that I've been here, I'm very proud of two accomplishments. The first is the replacement of the senior executive team, and we've been able to bring on some very competent and capable individuals. The second is a renewed focus around the vision for the organization, and we refer to that as our balanced framework, and you'll hear me refer to that numerous times today. You know that when the Ombudsman spoke, he was very blunt, and he said that OLG had become singularly focused on profit. Today everything that OLG does is based on four guiding principles, which we call our new framework, and they are public trust, player experience, partnerships, and of course as a commercial agency, also profit. We call those the four Ps, or the four pillars of the organization, and I'd like to spend just a minute talking to you about each of those.

The first one is public trust. We believe that public trust will be built through two fundamental initiatives. One is the integrity of our internal operations. We need to be more curious about our operations, open to more scrutiny and more transparent than we have been in the past, and that will assist us in building trust in our operations. Secondly, we must put our customer at the centre of everything that we do. Bob Edmonds cannot happen again. It is only through that intense focus on our customer that we will continue to earn and build public trust.

The second "P" after public trust is partnerships. We are a great big, complex organization and we deal with many stakeholder groups. Our success will be very much dependent upon our ability to forge constructive partnerships with those groups. That includes, but certainly isn't limited to, municipal government and community leaders. It includes labour, the horseracing industry, the charitable gaming industry and First Nations communities.

The public's trust and partnership are the first two. Our third "P" is player experience. At OLG, our product is an entertainment experience based on games of chance, but this is an increasingly complex and competitive marketplace, particularly with our casino properties at the border and with competition from the Internet. Our players expect us to have regularly evolving and competitive products and superior customer service, and we must focus on them always as our customer, consuming the product that we have to offer.

Finally, the fourth "P" in our pillars is profit. We are a commercial agency. We contributed $1.8 billion to the coffers of the Ontario government last year, and that was for the benefit of all Ontarians. We must focus on aggressively protecting and growing this contribution, but always in light of the other three pillars that I referenced.

Going forward, public trust, partnership, player experience and profit—and not profit alone—will be the ruler by which we guide our actions and by which we measure our success.

I'm very enthusiastic about the future opportunities for OLG and I look forward to taking your questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Mrs. Sandals.

Mrs. Liz Sandals: In your opening remarks you mentioned the fact that you have a number of partners in this enterprise. My riding is Guelph, home of the Ontario Veterinary College and the Ontario Equine Centre, so what I tend to hear about most around OLG is actually

the racetrack connection and the horse industry. I know that Stanley Sadinsky was appointed to do a report, and while that was perhaps more focused on the Ontario Racing Commission, it certainly overlaps with you folks.

I know from talking to my constituents that the horse industry has had some concerns around that partnership. There's a concern that there's perhaps a trend to some of the tracks being a transition into ownership by gaming companies rather than people who are primarily track companies; a concern around deterioration of backstretch or closing backstretches, which has an impact. A concern that I think would be more generically yours is Internet gambling, illegal Internet gambling, having an impact on slot revenues. I guess, specifically where you're concerned, there is a bit of frustration on their part in how they set up a true partnership with OLG so that they have a venue to discuss some of these issues? I'm wondering, now that you've had a chance to see Mr. Sadinsky's report, if you have any comment on those issues or any sort of updates for us on that whole issue with the horse industry. They are very appreciative of the slot revenue having generated revenue for the industry, but there seem to be some outstanding issues.

Ms. Kelly McDougald: Just for clarity, in terms of the funding mechanism, as a premise to the discussion going forward, it is through the direction of the province that we will give 10% of our top-line revenues to the horse people, the racing community and the purses and 10% of the top-line slot revenue to the operators of the tracks. We would further operate a slot facility at all existing tracks within the province. We are about to open our 17th track facility at Quinte. That has generated considerable money for the industry. Since we started in 1999, there's been about $2 billion equally split between the horse people and the track owners and operators. OLG's position in that has been fundamentally one of a tenant, if you will, in the facility. We don't own or operate the facility with the exception of the gaming floor. But we do understand that it has been a fairly fractured industry with many stakeholder groups and there has been difficulty in aligning the objectives of the industry around that money and direction going forward. So we were quite enthusiastic to see the initiative undertaken through the Sadinsky panel to look at that, and we have made specific recommendations to the minister and the panel around that.

One such recommendation is that because the revenues associated with our top line are fairly volatile and they float with the degree of our business, good and bad days, we think there is an opportunity to be more predictive around the top-line revenues through a finite definition of monies, as opposed to a floating amount. Secondly, it has been difficult in some arenas for tracks that have been underperforming, because monies are tied directly to the facility in which we operate, so our second recommendation to Mr. Sadinsky and to the minister was that perhaps a pooling of the monies and a new distribution methodology will allow for some greater oversight and consistency among the tracks and perhaps more consistency and guidelines in the operation of the tracks.

Mrs. Liz Sandals: That is still at the recommendation stage, so where that discussion goes is a work in progress.

Ms. Kelly McDougald: Yes.

Mrs. Liz Sandals: I know that my local track, if I can put it that way, Grand River, seems to have a really good relationship with the horse people, but I understand that's not the case with every track.

Ms. Kelly McDougald: There are multiple different owners of the tracks across the province, as I'm sure you're aware. Some are ag societies, some are not-for-profit associations and others are private sector individuals, and the relationships vary across the province.

Mrs. Liz Sandals: I know that my colleague has some follow-up questions—

Mrs. Maria Van Bommel: On the same issue—and certainly, having a rural riding. According to your own statistics, the horse race industry is the third largest agricultural enterprise in the province.

Thank you to our researcher, Mr. Johnston. He has given us some information as to the breakout for the tracks and the horsemen and the track owners. My understanding is that 20% of the revenues of the slots is split equally between those entities. Again, the assumption is that those dollars would be spent on the purses and on the infrastructure to ensure that the track is safe for the horses to run on, that it is properly maintained, that the barns are properly maintained. I certainly have had occasion to visit a raceway in my own riding, and there have been concerns expressed by the owners of the horses about some of those issues.

When I look at the dollars that are allocated, the 20%, do you, as the lottery and gaming corporation, have a way of ensuring that those dollars stay in that particular raceway? As Mrs. Sandals has said, we have a number of different things. Where it's an agricultural society that owns the raceway, they tend to be very localized, but there are also private entities that may own multiple raceways and slot facilities. Do you have a mechanism to ensure that those dollars stay in that particular raceway when they are earned from the slots at that raceway?

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Ms. Kelly McDougald: We do not. Under the current regulation, it's fairly specific that we are required to make direct payments in the amounts that I identified previously, but beyond that, we don't have any governance rights or obligations other than that. So we fulfill our obligation essentially through the disbursement of monies, and we do, out of a very selfish undertaking, attempt to work very closely with the track operators on the condition of the track, because obviously it's to the benefit of our business if the track is a viable and competitive facility. But the scope of our direct obligations and requirements is the payment of the monies, and the rest of the oversight I defer to other agencies like the ORC.

The Chair (Mrs. Julia Munro): We'll move on to Mr. Bailey.

Mr. Robert Bailey: Thank you for appearing before us today. I have a couple of questions. In my riding, we have both the Point Edward charity casino and also, in the city of Sarnia, Sarnia–Lambton, the Hiawatha horse track, with slots and that. They've both contributed immensely to the city and to the village of Point Edward over the years, as I'm sure other facilities across the province have as well.

I understand there's a move within the city of Toronto and also a motion that's been passed at Ottawa city council to increase the share of revenue from approximately 5% to 10%. I wonder if you could speak to that this morning: if you did any forecasts on that and what your opinion is. I guess at the end of the day, it'll be a government decision and recommendation. So could you comment on that, what long term you can see there?

Ms. Kelly McDougald: Certainly. The funding methodology for municipalities now is that they are entitled to 5% of the top-line revenue for the first 450 slot machines in the facility and then 2% thereafter. On an annual basis, that amounts to about $90 million to municipalities across the province. We do that, again, at the direction of the province, not dissimilar to the distribution of monies as directed for the horseracing industry. The change in that methodology or distribution would be at the discretion of government and not within the purview of OLG.

Mr. Robert Bailey: Okay. Second question: You spoke earlier there about the four pillars and obviously the headlines that were in the paper the last couple of years over fraud and all the different horror stories that took place. Can you expand a little bit more on what you've done and put in place to prevent those types of things happening again? Have you done any audits in the meantime to see that those in fact are working?

Ms. Kelly McDougald: Yes, I'd be happy to expand on that, because it's been a very consuming part of life at the OLG over the last year and a half.

Based on the recommendations of both the Ontario Ombudsman and a subsequent report that we commissioned from KPMG, we have implemented 176 of 177 recommended actions to put in place further security for the protection of players in the province. The last action is the checking of scratch tickets by a self-checker within the store, and we're implementing that currently. So we will have completed the full scope of recommendations by the end of September of this year.

The recommendations included a number of safeguards for players, most significantly the requirement to sign your tickets and the mandate that that be enforced by all of our retailers across the province; the ability for the terminal to identify, for every ticket scanned, whether it was a winner or not; the ability to freeze the terminal if there was a win over $5,000 so that we can contact the store immediately and speak to the individual; and very significantly, the requirement for the OPP, under the guidance of the AGCO, to investigate any retailer win or insider win, such that we have a third party determining the appropriateness of the win and the entitlement to the monies. We're publishing the names of all retailer winners on our website for 30 days prior to issuing a cheque to them, so that our customers have the opportunity to see and challenge that if there's a concern. Those are just some of the 177 safeguards that we're putting in place—the self-checking scanners, as well, that you will see for all 6/49 and Super 7 tickets that have been in the stores for over a year now.

That was really putting in place the safeguards for customers today and going forward. We also have the opportunity to go back and say, "What else can we learn from our previous data and information?" So we have subsequently engaged Deloitte to come in and take all of our play data for the last 13 years, to slice it and dice it and to come up and identify to us any other trends, anomalies, instances from which we build further safeguards beyond those that were recommended through the Ombudsman or KPMG.

It is incumbent on us, going forward, to be more critical of our operations, to be more inquisitive of our operations and what's happening than any media outlet, any government. We need to ensure for the public that we're doing the maximum efforts possible to ensure the security and fair play of our systems, and we're committed to undertaking that going forward.

Mr. Robert Bailey: I have another question.

The Chair (Mrs. Julia Munro): Yes.

Mr. Robert Bailey: Ms. Sandals referred to the horse racing industry, and that's obviously—I come from a rural riding as well—mainly rural. I understand that there are some problems with the horse racing industry. They feel—this might just be a perception—that they're a necessary evil, that they're not really treated with respect by the commission. They just don't feel like they're getting the support that they could have from local tracks and maybe from the OLG as well. Could you comment on that? Is there any liaison, any work that goes back and forth with the harness racing industry in general?

Ms. Kelly McDougald: Not with the industry specifically. As I mentioned previously, our obligation is to provide the funding. Last year, that was about $340 million across the tracks. On a site-by-site basis, we have very constructive relationships with individual tracks, where we do cross-promotions to make the entire experience more valuable for potential customers and more entertaining. To the degree that we can work with the track operators to continue to encourage folks to come and participate in both sides—the slots and the tracks—we attempt to do so. But our obligation is limited to the disbursement of monies.

Mr. Robert Bailey: One more question—sorry.

The Chair (Mrs. Julia Munro): Go ahead.

Mr. Robert Bailey: Problem gambling: I'll finish up on that. What steps have you taken there? It's a concern of mine and, I'm sure, a lot of other people around this table. We all have friends and neighbours, people who have perhaps been caught up in the excitement of the times—or maybe a boring life, in my opinion—and they have spent all their money there. Anyway, what steps

have we taken, as province and as the OLG, to prevent that or remediate it?

Ms. Kelly McDougald: That, I can assure you—we understand that there is an opportunity for addiction in this industry. It is a foremost concern for both the board of directors and management. No one wants to participate in an industry that's causing harm. The OLG focuses its efforts on three specific areas. We have a number of partnerships in the province to ensure that we are implementing best practices as we look at our opportunities to both educate and mitigate problems. Those are the Responsible Gambling Council of Ontario; the Ontario Problem Gambling Research Centre; CAMH, which does a considerable amount of training for us; and the Ontario Problem Gambling Helpline. As a partnership amongst the five of us, with memorandums of understanding between us as well, we attempt to continue to aggressively understand what further we can be doing in the province.

OLG is not a treatment provider. We're not an expert in that; we leave that to the Ministry of Health and to CAMH, as an example. But there are numerous steps we can and do take around education for our players. The majority of Ontarians gamble responsibly. Statistics show that 98% of players do not have a problem with addiction. However, those 2% are of concern. So we have launched responsible gaming information centres in our two largest facilities, at Fallsview and Windsor, in conjunction with the Responsible Gambling Council. Those have proven to be highly successful. We have had in excess of 8,000 visits, since their inception, of people wanting information, wanting to know more. So we have taken a commitment to deploy responsible gaming centres at all of our facilities across the province over the next two years. We'll have three additional manned facilities by the end of this year. The rest will have kiosk facilities, and we will migrate into more fully staffed facilities as we go forward.

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Additionally, we have what is the self-exclusion process, which is the opportunity for individuals with gambling problems to identify that they have a problem and, as a first step in addressing that, to ask that we assist in keeping them from our facilities. We are implementing new technology to better that program, working in conjunction with the privacy commissioner and encryption specialists from the University of Toronto. We have sent out an RFQ and have now acquired a firm to implement for us this year facial screening and recognition, and the complete digitization of our database so that we can do probability projections etc.—problem gambling behaviours. If an individual has tried three times at various locations to come, this software will allow us to predict that they may attempt to game, versus someone else. So we are implementing a much greater degree of technical capability to assist in our self-exclusion process as well.

We have also trained all 8,000 of the OLG direct employees and we are working with CAMH, which conducted the original training, to launch that training for us again this fall.

The Chair (Mrs. Julia Munro): Okay, thank you. Ms. Gélinas.

M^me^ France Gélinas: Good morning—or almost afternoon. Welcome to Queen's Park. I was very interested to hear about the four pillars of your strategy: public trust, players' experience, partnership and profit. You are a commercial agency, after all. But I was a little bit surprised that we didn't find in there anything that has to do with your human resources. You have 8,000 employees. I see that education of those employees in order to deliver your responsible gambling is very important, and to have them named as one of the stakeholders in partnership is a little bit puzzling to me. I wanted to hear your view on that.

Ms. Kelly McDougald: Thank you. I appreciate the opportunity to expand on that because we've had those conversations at length within the organization. We say that people are the foundation of our pillars. Truthfully, our product portfolio consists of slot machines, tables and paper for lottery tickets, and really what the organization consists of is the energy, the enthusiasm, the commitment and the integrity of our employee base. We fully recognize that that is what will define the success of the organization going forward.

I'm very pleased to say that we have hired a new senior vice-president of human resources who comes to us from many years within TD Bank. He had in excess of 32,000 employees under his responsibility and brings a great discipline around HR recruitment, development and retention. So they are very much the lifeblood of our organization, and in our pictorial we have the four pillars, and then we have our people foundation piece at the bottom. Unfortunately we didn't share the pictorial with you today, but they are very much the core of our organization.

M^me^ France Gélinas: I certainly would agree that they are the lifeblood of any organization, yours included.

My riding is Nickel Belt, and the OLG slots at Sudbury Downs was on strike for nine weeks this summer. I mean, a thousand of them walked off the job, but there is still a lot of unrest among the other 7,000. This labour disruption is not healthy for an organization, it's not healthy for the people who work and it's not healthy for the communities they live in.

I wanted to hear again your point of view as to what your strategy is with your human resources and your new human resources director toward your organized labour.

Ms. Kelly McDougald: You're right, we did have a nine-week strike and Sudbury Downs was certainly impacted in that. A strike is a failure on the part of both management and labour. It is not constructive for anyone, and the employees are most hurt through that process, obviously. It was not a proud moment for us. It was the first strike that we had of the OLG population in Ontario. We have taken considerable efforts post that to understand our learning from that and how we can better engage our employee base to pre-empt that kind of dissatisfaction on a go-forward basis. I personally met

with Buzz Hargrove and the CAW four times in an attempt to understand why we got to this point, and subsequent to the strike met with the CAW to talk about what practices we need to undertake, going forward, to make sure we are much more closely aligned in understanding the employee issues and that we can prevent such a situation from happening in the future.

M^me^ France Gélinas: In the small rural northern community where I live and where Sudbury Downs is located, we expect those jobs to be good jobs that pay more than minimum wage and that allow you to raise your family. If you work full-time all year, you should be above the poverty line. I don't think those are unreasonable expectations. Is there a commitment on the part of the OLG to provide good jobs for the people who deliver their services throughout this province?

Ms. Kelly McDougald: Absolutely. We're very committed to having both a rewarded and an engaged employee base. We have just undertaken again—it had been done in the past—a benchmarking of salaries across all of our positions across the province, both to the public sector and to the private sector, to ensure that we're offering competitive rates. We regularly look at our retention base to ensure that we're able to retain employees and continue to offer a valuable package to them; it is critical to the operation of the organization. We're proud to directly employ 8,000 people in the province and we want to ensure that those employees are well treated and respected.

M^me^ France Gélinas: In your opening statement, you said that revenue growth has been modest and earnings have been declining. Do you want to expand a little bit as to why you figure that is?

Ms. Kelly McDougald: Certainly. I'd appreciate the opportunity, because when you look at the numbers initially, there are causes for concern.

Revenue growth has been modest primarily because we have, I'll suggest, been focused on deploying product for an objective that was described approximately 10 years ago. You'll recall that before 10 years ago, there were no gaming facilities in the province, other than the resort casinos at Rama and Windsor. Since that time, we have built out 17 facilities. It has been a very aggressive undertaking to get those facilities built, people hired, operations up and running, and the revenues from that have been to the benefit of all Ontarians.

But it's time now to take a much more commercial and clinical look at the operations, to ask, "How are we doing in customer satisfaction? How are we doing, relative to competitive forces, particularly in the border properties? What does our product portfolio look like?" and to take a very aggressive stance in understanding what options exist for us in terms of meeting customer desire and a competitive product. I believe that there's opportunity for more aggressive top-line growth should the province elect to pursue those, and similarly, there is an opportunity, now that the facilities have been built out, to step back and have a much more rigorous understanding of our cost base.

We have had very logical increases in costs. As you build, you increase your depreciation costs every year. That's to be understood and is assumed in terms of your profitability going forward. We have kept track with ongoing employee increases, and that has impacted our cost base.

I hope that what I bring, with my background as a commercial operator for 26 years prior to joining OLG, is the ability to bring that commercial discipline around profits and top-line growth to the organization.

M^me^ France Gélinas: My other line of questioning will have to do directly with the resort casinos. We were supplied—but I guess you have access to that information from the researcher here as to the profitability of the resort casinos, which, as I understand, showed a $55-million deficit in the last year. My first question is: Who picks up the tab for that $55-million deficit?

Ms. Kelly McDougald: I need to better understand your numbers. But in aggregate, the resort casinos, which, just for clarification, are those that have amenities beyond just the gaming floors—so, Windsor, Rama and Fallsview in Niagara, which have hotels, entertainment complexes etc.—have been profitable. However, the profitability has declined over the last several years, very much as a result of the increasing dollar and the increasing competition at the border, and certainly, Point Edward is subject to that as well.

I'll give you an example. Previously, 80% of the traffic coming to the Windsor casino was American traffic. With the increased restrictions in crossing the border and the decline in the Canadian dollar, that is now down around 55%.

That challenge exists in Niagara Falls, in Point Edward, it exists in Sault Ste. Marie, where we have casinos directly across the border, and certainly Windsor. When we launched the Windsor facility 14 years ago, there was no competition on the south side; there are three very aggressive casinos now on the south side of the Detroit River. MGM has invested in an $800-million facility that opened last fall, MotorCity has just invested another $300 million in their property and Greektown is also investing. So we have been challenged, and it is our opportunity now to look at those properties much more aggressively and pursue a differentiated profit offering.

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I'll just close by saying that the initiative we took branding the Windsor property a Caesars property was very specifically for that purpose: It was to differentiate from the properties that exist on the south side of the Detroit River. It has shown, in its very short time, to increase the profitability, since we opened in June, by 25% over last year. So there are things that we can do, certainly, to make our properties attractive and competitive, and we need to be very commercially alert to what those need to be so that we can assure ongoing and sustained profitability at those sites.

M^me^ France Gélinas: Just to be sure, for the resort casino, you're telling us that we can see the decline in net income, but you're saying that they haven't gone into negative, that they don't have a deficit?

Ms. Kelly McDougald: I'm saying, as an aggregate, the resort casinos have certainly been very challenged, but on the whole, they are profitable in their contribution to the province. We have ups and downs in each property, but in aggregate, those are profitable properties.

M^me^ France Gélinas: In the aggregate, do you take the 20% tax on winnings?

Ms. Kelly McDougald: The 20% tax is the tax levied by the province—

M^me^ France Gélinas: I'm aware of what it is, but when say that as an aggregate they have been profitable, are they profitable because you take in the 20%?

Ms. Kelly McDougald: Oh, I see; I'm sorry. It is cumulative of the 20% top line that goes directly to the province plus the bottom-line operating profit.

M^me^ France Gélinas: Okay. I'm interested in the bottom-line operating profit. If we take away the 20% tax on winnings, would they still be profitable?

Ms. Kelly McDougald: No, they would not. The 20% is a very significant contribution, and if you removed an aggregate 20% of the profitability, in aggregate, the properties would suffer. But it is the cumulative net profit back to the province, both the 20% and the operating profit, that we look at—with the exception of Casino Rama, because currently Casino Rama's net operating profit goes to Ontario First Nations.

M^me^ France Gélinas: I guess my question is, if I can zero in on it: If you take away the 20% that the province gets on the winnings, if you look solely at the operations, the operations are not profitable; they're in a deficit. So how is this deficit being covered?

Ms. Kelly McDougald: Well, we look at, whether it's extracted at the top line or bottom line, the contribution to the province to be an aggregate contribution of about $150 million a year across those properties. But we continue, as I mentioned in my previous comments, to work very aggressively to understand how we differentiate those properties to attract more players from competitive products, and to ensure that we have ongoing scrutiny across our operations so that they are as efficient as we can be. That is always a delicate balance, as I'm sure you can appreciate, because the opportunity to make things more profitable often comes at the cost of jobs, so we walk that line very carefully.

M^me^ France Gélinas: So the operators would never be responsible for the deficit in the operations; it comes out of the provincial tax revenue?

Ms. Kelly McDougald: As I mentioned, cumulatively we don't have a deficit at the moment, but the operators' fee is structured both on top-line performance and bottom-line performance, so they are directly impacted by how the property is performing under their guidance.

The Chair (Mrs. Julia Munro): Thank you very much. We'll go to Mrs. Albanese.

Mrs. Laura Albanese: In your opening statement, you underlined your efforts and the concerns surrounding responsible gambling. It has been brought to my attention, but also to some of my other colleagues, that some casinos target, in particular, certain seniors' buildings, and provide transportation to the casinos. As we know, seniors can be more vulnerable than other sectors of our population. Doesn't this provide too easy an access, and maybe lead to problem gambling?

Ms. Kelly McDougald: Are you referring specifically to the busing programs, just so I understand the question correctly?

Mrs. Laura Albanese: Yes.

Ms. Kelly McDougald: The busing programs are actually operated by third party operators and they provide transportation to the major resort casinos. It's done based on commercial viability for them, so who wants to come and where they want to come from.

We are always concerned about the exposure of responsible gaming. I will say that seniors tend to gamble more frequently, we have the experience, only because they have more leisure time. They have more time to come to the properties and many of them find it, based on our feedback, a wonderful way to spend the day away from whatever home or facility they're in, and participate, have lunch with their friends and spend time. The direct busing program is run through third party operators.

Mrs. Laura Albanese: But you spoke of education earlier.

Ms. Kelly McDougald: Yes.

Mrs. Laura Albanese: So have you maybe thought of any specific education programs aimed at seniors—

Ms. Kelly McDougald: Yes.

Mrs. Laura Albanese: Maybe even pamphlets, maybe even in different languages, given our multicultural reality, that could be handed out on these buses?

Ms. Kelly McDougald: There are actually two comments that I'd like to make on that. The first is that we have been working on research programs with the Ontario Problem Gambling Research Centre specifically around seniors playing. We haven't got the results from that yet to understand that. We have provided them access and facilitated discussion with seniors in our facility in London so that they can conduct that research.

Secondly, on an annual basis, we work in conjunction with the Responsible Gambling Council to conduct research and education during the month of March; it is Gambling Awareness Month. You may have heard many of the ads that we co-sponsor with the Responsible Gambling Council in terms of demystifying what gambling is all about, how the odds work. I'm very pleased to say that we've worked with them to define that next March the campaign will be specifically focused on a seniors' campaign.

Mrs. Laura Albanese: Okay, thank you.

Mr. Charles Sousa: I have two questions, if I have time. They're brief.

The Chair (Mrs. Julia Munro): Certainly.

Mr. Charles Sousa: OLG is known across the province for its sponsorship of community events, including musical festivals. In my riding specifically we have the Mississauga Waterfront Festival some time in June and the jazz and blues festival in early September. They're

great for tourism. They attract a lot of economic activity and they're destination spots. My question, if you can elaborate, is why you think it's important to support these types of community events.

Ms. Kelly McDougald: Sure. I'll talk about it in two ways. We do have a formal community sponsorship program. The cost of that is about $3.5 million a year, and we do exactly what you said, which is sponsor festivals and events within communities. We have targeted those as music—we've defined it around a music definition—because that's consistent with our theme and mandate around entertainment. What it allows us to do is both be a responsible operator within the province and a good community citizen. As well, we operate direct facilities in 26 communities across the province that are great beneficiaries of our money. We think that it's incumbent upon us also to support communities that don't have an operating facility from OLG, and we do that through our sponsorship programs. So that's the first thing that we do.

We also have a very extensive employee volunteer program. As an example, on the Federated Health program that just recently ran, OLG employees gave more than any other agency or ministry in the province. There is a great commitment to volunteerism within our employee base. We couple that with our community sponsorship program, and we're proud to show up in the communities across the province.

Mr. Charles Sousa: Lastly, and you touched on this already, could you tell us a little bit more about the facial recognition, the biometrics, and the how the technology is used by OLG, specifically with the self-excluded portion?

Ms. Kelly McDougald: Sure. There has been facial recognition technology available in the province for some time and it has been tried at various sites, and actually across the country. There have been two concerns with it. The first concern was just the effectiveness of the technology itself and its accuracy. That has improved substantially over the last couple of years. The second concern was the privacy of the data that you collect when you actually scan an individual's face, albeit on a voluntary basis from them. We're required and certainly want to ensure that we protect their privacy associated with that.

Seeing the advancements in technology, we wanted to pursue facial recognition as a tool. Worrying about privacy, we then went to the privacy commissioner of the province and to the University of Toronto and worked collaboratively with both parties to say, "What would the criteria and specifications have to be in order to ensure, if we undertake this facial recognition, that we can do everything possible to secure the privacy of the data?"

Standards were defined; we included those in our request for quotations from vendors. We were pleased when multiple vendors agreed to do the development and we have selected a vendor and will be implementing that, as I mentioned, this fall, starting with tests on the executive of the organization. That will allow us to have a much more effective way of recognizing patrons who attempt to re-enter the facilities if they have elected to self-exclude.

1230

The Chair (Mrs. Julia Munro): Mr. Bailey.

Mr. Robert Bailey: I've only got a couple more questions. Could you give us an update on the Casino Rama First Nations negotiations: where they're at, where they've progressed from?

Ms. Kelly McDougald: I am very happy to do that; that's a very good news story. Casino Rama has been a great facility, both for OLG and for our customers. For several years, it has been voted Ontario's favourite facility within the province. We know that it has been very profitable and very well attended, and the benefit of that has gone to Ontario First Nations, both the Ontario First Nations Limited Partnership and the Mnjikaning First Nations band at Rama.

The agreement expires in 2011, and the province has re-established a funding methodology which will be based on the top line of OLG revenues, 1.7%, as opposed to the specific bottom-line contribution from Rama.

So the question is, then, what do we do with Rama? I'm very pleased to say that we have undertaken highly constructive negotiations with the Mnjikanings around an agreement, post-2011, to keep that property open. It will be much more a tenant-landlord relationship than had been in the previous construct, and we are hopeful to take that proposed arrangement both to our board and to government for consideration over the next couple of months.

Mr. Robert Bailey: Another question coming out of the recommendations: Have you any comments on the recommendations for the gaming secretariat that was mentioned on page 27?

Ms. Kelly McDougald: Only to say that there are many stakeholder groups associated with gaming in the province. Certainly there is ourselves, with both our lottery and gaming operations; there's the charitable gaming sector; there's the horse racing sector. I believe that there's an opportunity for a more comprehensive view to gaming in the province that would be valuable. They're looked at very discretely today.

The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: My first question had to do with recommendation number 3, and I'll read it for you: "OLGC continues to work with operators of its resort casinos to explore ways to provide the same responsible gaming/problem gambling training to their employees, as appropriate, that the OLGC has provided to its employees." So we understand that your 8,000 employees get the training. What happened to the 12,000 who work in the resort casinos?

Ms. Kelly McDougald: Each of the resort casino operators had their own methodology for training that they had introduced. We've now taken the CAMH training to them, which they have incorporated in their training. All casinos in the province, directly operated or otherwise, do extensive training of individuals who come in as new employees, and then refresher training. I'm pleased to say that Windsor is an example—the relation-

ship with Caesars. They have also reached out into Caesars US to get best practices from them as well. All of the operators have been completely transparent in sharing their practices and adopting our practices as we move forward. It's something that we undertake collectively, and we have a shared objective around making sure that our employees have the best training possible.

M^me^ France Gélinas: Were you able to make sure that the training that matches the one that you offered to your 8,000 employees was not only offered to new hires but to people who were already employees of casinos?

Ms. Kelly McDougald: Certainly, in the OLG direct properties we took that through to every employee in the company, inclusive of our lottery people, our general administration staff etc. Then, as I mentioned, we took it through and had each of the resort properties benchmark against their own so that they could continue to do refresher and new employee training. It is a commitment that we mandate and that is supported by the resort operators as well. It was both Windsor and Fallsview that first implemented the responsible gaming centres as well; they started in the resort properties. As I mentioned, we've been pleased to have more than 8,000 people visit those centres, and the employees in those centres have been trained as well.

M^me^ France Gélinas: So you feel comfortable that the existing workers did have training at least at par with your employees and are getting your refreshers now?

Ms. Kelly McDougald: I do, and I am very comfortable that the resort operators are quite anxious to see the new training and to make that available to their employee base as well.

M^me^ France Gélinas: In your response, you talked about blending the best practices from the OLG with what happens at Caesars. I don't know what that means.

Ms. Kelly McDougald: We have a very unique opportunity to leverage in the province, in that we operate all of the slots at racetrack facilities ourselves plus five OLG-operated casinos, like Brantford and Sault Ste. Marie. We also have four other major operators: Caesars operates Windsor, Penn National Gaming operates the Rama facility, Casinos Austria operates Great Blue Heron facility, and Falls Management operates the Niagara and Fallsview facilities. So we have the opportunity to bring not only our own learnings to the table but the learnings from across all of those international operators, and to look for best practices across the organization.

As an example, we have a group that works together not only on responsible gaming initiatives but procurement practices. We have a group that works together in terms of product design. We're quite fortunate in this province to have that combination of both our own internal expertise plus some of the best operating expertise on the globe to draw from.

M^me^ France Gélinas: And has this actually changed the training that you provide to OLG employees right now?

Ms. Kelly McDougald: The responsible gaming training specifically?

M^me^ France Gélinas: Yes.

Ms. Kelly McDougald: Most recently, we have deferred to CAMH, though we made them aware of all of the training that we have available through our facilities. But we continue to work with CAMH to design our programs on a go-forward basis.

M^me^ France Gélinas: Okay. My next question was about issue number 7, which had to do with investigating the possibility of making screening for problem gambling a part of the hiring process...." In your answer, you said that "there is no evidence at this time to suggest" that your employees had special needs. It goes on: "They are not permitted to gamble at Ontario casinos and slot operations under certain conditions...." But I understand that they are allowed to gamble at the resort casinos, am I right?

Ms. Kelly McDougald: That's correct.

M^me^ France Gélinas: Okay. Did you have a look at those 12,000 employees to see if there is evidence that they have special needs?

Ms. Kelly McDougald: Just to be clear, the way that the AGCO has regulated employee play across the province is that you cannot game in a property that's operated by your employer. So OLG direct employees can only game at the resort casinos operated by Penn and Casinos Austria. Similarly, the employees of the operator facilities are challenged in their gaming at their local premises. So the primary way that we have in defining—

M^me^ France Gélinas: Just to be clear, you said that they are challenged in their gaming at their local premises. Does that mean they're not allowed to gamble where they work?

Ms. Kelly McDougald: I must admit, I need to get back to you on the specific rules, because it varies by position within the facility. I will come back to you with true clarity within the resort casinos on who's permitted to game where as opposed to guessing at that information at this time.

M^me^ France Gélinas: All right.

One of our primary indicators for problems is our employee assistance program. It is a confidential program, so we do not know by specific employee the issue, but our provider of employee assistance regularly provides to us statistics on the number of employees using the service and the types of problems that they are cumulatively encountering. There's been no indication that there is an issue with problem gaming amongst those employees.

We also went to the Ontario Problem Gambling Research Centre to ask if they felt that we should undertake specialized screening. It was their opinion that there was nothing to indicate that a unique program needed to be undertaken for employees.

M^me^ France Gélinas: Thank you. My next question has to do with your branding. I realize that things have changed since you did your branding exercise. At the time, OLG was used mainly for ticket sales—I should use the right terminology, but I'm sure you know what I'm talking about it—and it is now being extended to the casinos etc. At the time, when we asked if you were to

consider French branding, the answer was no. I want to ask the question again. I'm a proud member of the Franco-Ontarian community and certainly I'd love to feel that I am part of an agency such as yours, and when the name is in English only, I feel like I don't belong. I was wondering if this is something you would consider.

Ms. Kelly McDougald: We have looked carefully at the branding of the name, and the name with the three letters, OLG, is not intended to be either way, francophone or anglophone. It is not dissimilar to OPG, if you will, or LCBO in that it is simply the letter acronyms.

I will assure you, however, that we take all efforts to be wholly compliant with the French Language Services Act in the province. We have aggressively hired both francophone and anglophone employees in respective communities where there is a bias one way or the other to ensure that we're meeting all of our customer service requirements to provide services in both languages and make it available.

As an example, in the very extensive campaign that we did last year around prize integrity and the changes to the lottery systems, all of that was done both in English and French. In fact, we worked with OMNI as well to do it in 20 other languages to ensure that the majority of Ontarians would get the message around the changes being made in the lottery system.

M^me^ France Gélinas: So, I guess the answer to my question is no, there is no intention of making OLG known under a name that would be more friendly to the francophone population?

Ms. Kelly McDougald: Currently we are intending to retain the name OLG.

M^me^ France Gélinas: Okay.

The Chair (Mrs. Julia Munro): I think we have exhausted the questions, and we'd like to thank you very much for making the time to come here today and answer the questions of the committee. Thank you very much.

This committee will stand adjourned until Wednesday, September 17, at 9 a.m.

The committee adjourned at 1239.

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Mercredi 17 septembre 2008

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Agency review:

Ontario Infrastructure Projects Corp. (Infrastructure Ontario)

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 17 September 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 17 septembre 2008

The committee met at 0932 in room 151, following a closed session.

AGENCY REVIEW

ONTARIO INFRASTRUCTURE PROJECTS CORP. (INFRASTRUCTURE ONTARIO)

The Chair (Mrs. Julia Munro): Good morning and welcome to the Standing Committee on Government Agencies. This morning our first order of business is the review of the Ontario Infrastructure Projects Corp., commonly known as Infrastructure Ontario.

We welcome you to this hearing this morning. I would ask that, for the purposes of Hansard, you introduce yourselves. As you may know, you have five minutes in which to provide an overview, and then we will be asking for questions from the members of the committee. We will begin this morning with the third party, then we will go in rotation. Each caucus will have just over 45 minutes each. I will guide the rotations with some flexibility, providing around 18 minutes for the first round, and then I will divide the rest up as we go, which should work out to about 15 minutes per round. Thank you very much for being here this morning. Please begin.

Mr. Tony Ross: Thank you very much, Madam Chair. My name is Tony Ross and I'm the chair of Infrastructure Ontario. We appreciate this opportunity to share information about Infrastructure Ontario and to answer questions from the committee.

Before I begin, I would like to introduce members of the Infrastructure Ontario team who are with me today. On my left is David Livingston, who is the president and CEO; to his left is our executive vice-president of project delivery, Jim Dougan; and to my right is our senior vice-president of infrastructure lending and our CFO, Bill Ralph. Other members of our team also in the room are George Stewart, senior vice-president of project assessment; Steve Richards, senior vice-president of nuclear projects; and Tony Day, our senior vice-president of human resources.

As members know, Infrastructure Ontario was created in 2005 to help manage the delivery of major infrastructure projects in the province. Our business is effectively split in two lines: project delivery, which uses alternative financing and procurement to deliver projects on time and on budget, and the OSIFA loan program, which offers affordable loans to help municipalities and other public sector entities to build and renew Ontario's public infrastructure.

I have been chair of Infrastructure Ontario's board of directors since the first day in 2005. In the beginning, the board played a crucial role in overseeing the operations of the agency, both in terms of getting projects out the door—or, more appropriately, in the market—as well as putting in place an organization that had a culture of transparency and accountability strongly entrenched. In addition to providing strategic direction, the board also ensures that public funds are being used effectively. For example, to ensure that value-for-money can be achieved, the board reviews and approves each project RFP—request for proposal—before it is released to the market. In carrying out our responsibilities we recognize the obligations we have to the people of Ontario in all of our operations.

You will hear in a few moments some of the work that Infrastructure Ontario has undertaken in the past three years. Certainly the board is very proud of the work that has been started, but we recognize there is a lot of work yet to be done if we are to successfully carry out our mandate. There are many projects that have yet to be brought to market and, critically important, there are projects under construction that need to be completed on time and on budget. We will remain diligent in our efforts to ensure that this happens.

The government has committed to delivering the largest expansion of social infrastructure in more than a generation. The board of Infrastructure Ontario is committed to ensuring that this happens in a manner that protects the public interest. My fellow directors and I continue to diligently hold Infrastructure Ontario's management to account. Having said that, it's a great privilege for me personally to work with the group of women and men at Infrastructure Ontario. They're very talented and they're very committed.

Thank you. I'd like to ask David Livingston to now say a few words.

Mr. David Livingston: Thanks, Tony. As Tony said, I'm the president and chief executive officer of Infrastructure Ontario. Over the past two years, we have grown in both size and scope and have become a trusted name in delivering infrastructure projects, as directed by the government of Ontario. To date, we have put more than $6 billion of capital projects into the market, and of these projects, 20 are under construction today. We have also been assigned major new infrastructure projects

from new sectors, including the Ontario Highway Service Centres project from the transportation sector and the nuclear procurement project from the energy sector. As well, the OSIFA—Ontario Strategic Infrastructure Financing Authority—loan program has advanced nearly $1.7 billion in affordable loans to its public sector partners. This has allowed for 650 separate infrastructure projects in communities across Ontario, and they include roads, bridges, public housing, water and waste water facilities, to name a few.

In the 2008 Ontario budget, the government announced that the OSIFA loan program will be further broadened to include local service boards, not-for-profit professional arts institutions, and social and affordable housing providers, to name some. This expansion will stimulate enhanced infrastructure investment across these new sectors and allow interest savings to be redirected towards the important business of providing good public services.

We have demonstrated our commitment to making projects happen in Ontario, surpassing our objectives for both project delivery and for the OSIFA loan program. I have no doubt that we have strengthened this organization for our stakeholders, for our clients and for the communities in Ontario, both today and for the future.

We really appreciate the opportunity to address the committee, to answer any questions that you have, and, along with the members of the team here, we hope we can do it to your satisfaction. To be efficient and not overly bureaucratic, I'll act as the moderator on our side. So I'll take the questions, and whatever I can answer I will answer, and whatever I can't answer, I will lay off onto one of my esteemed colleagues here, who I'm sure will be able to come up with something appropriate.

With that, Madam Chair, the floor is yours.

0940

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with Ms. Gélinas.

M^me^ France Gélinas: Good morning, gentlemen. I'm pleased to meet you. I will dive right in. David, I guess I address my questions to you?

Mr. David Livingston: Please.

M^me^ France Gélinas: According to what you've just said, there are 20 alternative financing and procurement projects currently under construction. The way I understand it, the contracts are between the construction company and yourself, and they include a guaranteed price, which is defined as the cost of work plus the cost of financing. Am I still on target?

Mr. David Livingston: There are some variations on that. Why don't you finish the question, and then I'll answer it all.

M^me^ France Gélinas: Okay. I understand this to be the total cost guaranteed by the construction company to, let's say, a hospital, if we take a hospital as an example. For each of the projects currently in the construction phase, can you provide the guaranteed price, the cost of work and the cost of financing, by project?

Mr. David Livingston: So, just in terms of—to be fair, we really have two models that we use when we're doing projects. There's what we call the build-finance model. The build-finance model is typically what we use when we are adding on a wing to an existing building or reconstructing something that's already in existence. For other projects we have a design, build, finance and maintain model, where the bidding group would design it, build it and finance it, and then they would maintain it for a 25- or 30-year period post-construction.

In a build-finance contract, the cost of construction and the cost of financing would be in the fixed price. In the case of a design, build, finance and maintain, the cost that would be included in the bid would be the cost of design, the cost of building, the cost of financing and the cost of maintaining the facility, including whatever capital investments they have to make over the 25- or 30-year period to meet the terms of the contract. So I guess the answer is, it depends on the project we're talking about as to what the cost elements are that would be included.

For each of those projects, we post on our website and make public the final contract that lays out whatever details are in the bid. If your question is, can we provide them to you right now, or can we provide them to you generally—I'm not sure, so if you actually want the cost of the financing and the cost of the construction, as two components on every project right now, we probably have that detail around in our briefing notes, and we could read it into the record. Or is it a more general question that you're asking?

M^me^ France Gélinas: No, I would like to know what they are. You can read it into the record or you can submit it to the committee, whatever you want.

Mr. David Livingston: Okay.

M^me^ France Gélinas: To submit it would probably be easier.

Mr. David Livingston: Do we have that in the record?

Mr. Jim Dougan: No, we just have, the totals—the GPC amounts.

Mr. David Livingston: So the answer is, we just have the totals.

M^me^ France Gélinas: But could you supply to me the breakdown? If it's build-finance, then I would have the cost of build, the cost of finance, and if it's design, build, finance and maintain, then could I see those four components? Plus, you've said, some capital costs associated with the maintain—could I see the breakdown of those for the 20 projects currently under way?

Mr. Jim Dougan: Just from a confidentiality standpoint, that's why haven't been doing it. We've been just posting the one number, the GPC number or the net present value number on the DBFM projects, because there's commercial confidentiality around that in terms of posting it publicly.

Mr. David Livingston: I guess the problem we would have is the bidders—for them, it's a competitive advantage on how they put together their bid and what they would like to have included. We publicly show the totals. I guess the question would be—the government is the

shareholder, and so how much detail can we provide, and how would we do it in a way that wouldn't compromise the integrity of the bid? Because they would have some concerns about the details we'd be providing. So I don't know the answer, to be honest with you.

M^me^ France Gélinas: Let's say we just take the build and finance model. For those projects, can I get the cost of the build, the cost of the finance?

Mr. David Livingston: Is that broken out in the contract?

Mr. Jim Dougan: Yes.

M^me^ France Gélinas: Yes, I can?

Mr. David Livingston: Yes.

M^me^ France Gélinas: Yay! Let's take the other one: design, build, finance, maintain. What is it that I can and cannot get broken down as to those four or five parts if you add the capital costs associated with maintenance?

Mr. Jim Dougan: It's around the strategies of the various companies when they're bidding these projects, so a lot of that information is commercially sensitive. The life cycle strategies, financing strategies, facilities management strategies from the bidders on the project team are all commercially sensitive, so that's why we just post it, and we've been posting sort of a net present value of those projects.

M^me^ France Gélinas: Let me come back to this.

Of the 20 that are presently on the way, are there any projects that are expected to cost more than the initially established net present value or net present cost, whatever you called it, or the guaranteed price?

Mr. David Livingston: I'll have Jim answer this more specifically in a moment, but we have a regular tracking that we do on all projects on how they're performing in relation to the contract that's set. When the government assigns the project to us, they assign it to us with a budget. That budget includes a contingency amount that we set when we do the contract. Really, the question is, are they performing within the budget that's approved by the province? That's the critical number. All of the projects that we have today are operating within the budget that has been approved by the government.

M^me^ France Gélinas: And when you refer to the budget approved by the government, you refer to the budget including a contingency envelope.

Mr. David Livingston: Correct. It's a cabinet-approved number.

M^me^ France Gélinas: I was aware of this. Can you provide me or the committee with a list of projects where change orders have been approved, meaning that the guaranteed price exceeds the guaranteed price set out in the agreement that was initially made?

Mr. David Livingston: We don't publicly disclose that. That would not be on our website for a variety of reasons: We don't want to encourage it, we don't want to be talking about it, we don't want bidders out there thinking that this is an acceptable practice. There are instances where change orders happen with respect to risks that are on our side of the balance sheet, if you like, in the contract, but that information would not be publicly available. So if we just go back again, the time when we would be going back to the government with that would be when there is evidence that the change order is causing us to be above the assigned budget or above the approved price. That's not the case today, so there hasn't been an obligation to go back.

M^me^ France Gélinas: So if we looked at the cabinet minutes of the project cost of each of those projects, you've never had to go back and you have never gone over what the cabinet minutes will show as the approved budget for those projects.

Mr. David Livingston: Our approach or our practice with cabinet and with the government is that when we're assigned a project and we're assigned a budget number, before we take it to market—and in our view, taking it to market means we either put out a request for qualifications or a request for proposals—we go through a very detailed process with the client, the hospital board or whoever, to ensure that the scope is appropriately articulated and that that scope has been properly costed. There have been several instances where, in having gone through that scope assessment and determined the appropriate costing, the number has been above the budget that has been assigned to us.

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We do go back to Treasury Board or cabinet in that instance, but we've done that before it goes into market. Our view is that the time to deal with something is before we're locked into a course of action. Once we've gone back and once we have a number that we think is appropriate for the scope as it exists at the time we're going to put the project out, the bids have all come in and the projects have come in within the authority that cabinet has given to us. So I'm thinking, while I'm talking today, as I said before, all of the projects that we have today are within cabinet-approved numbers.

M^me^ France Gélinas: So if I understand, sometimes you would have gone to cabinet about a project—we'll call it initially going to cabinet about a specific hospital—then you went back, reviewed the scope and went back to cabinet, I'm guessing, to adjust the budget of that project.

Mr. David Livingston: Right.

M^me^ France Gélinas: Can we have a list of those projects?

Mr. David Livingston: I think that would be—I mean, I'm not sure of the rules here, but it seems to me that's up to cabinet. Those are presumably confidential documents and if cabinet wants to release them, then I would think that's a decision the government has to make, not us.

M^me^ France Gélinas: Okay. I have a question about a specific project. What was your agency's initial estimate of the total cost of the Niagara hospital in St. Catharines and what is the latest estimate?

Mr. David Livingston: Again, I'll look to Jim to answer this, but if I can just offer a general comment, we go to great pains with the local hospital board and ourselves not to be putting out prices before the bids come in

because we do not want to be signalling to the bidders what is an acceptable price. So we have a budget number for Niagara, we have bids in, but we have not yet closed this project. We do not talk about a number and, we ask the hospital not to talk about a number and as far as we're concerned, any numbers that people are talking about out there are estimations, they're numbers that are just not, in our terms, real. We don't have a number that we have put out there yet and would not put out a number until this deal was closed.

Mr. Jim Dougan: That's correct. Just to add too, Niagara was a particular project where we had a budget and we updated the budget. It was an original budget based on an original scope. The budget was revised to include the scope change. We had infection control provisions that were introduced in the project, so it went to a high percentage of single rooms that affected the budget. There was scope added in the cancer area, in the mental health area; that's part of what David was mentioning. When you go back and update, really, a lot of it is to do with the Ministry of Health and the hospital working together to arrive at the final scope provisions.

Mr. David Livingston: I might add too, and maybe Tony could comment on this, that part of our approval process internally is that before we put a project into market, the board has to approve that not only is there value for money in the project relative to the alternative, but that we stay within the cabinet number.

Mr. Tony Ross: I can't add anything to that. That's what we did. That is fact.

M^me^ France Gélinas: I think, Jim, you mentioned that the scope changed regarding the cancer treatment centre, it changed regarding infectious disease, it changed regarding adding of mental health. How many times did you go to cabinet with the Niagara project?

Mr. Jim Dougan: It was just through the annual capital planning process. It wasn't like we took that project specifically; it was through the annual capital planning. Projects are assigned to us in a lot of cases where the functional program hasn't been defined yet and the functional program is an agreement between the hospital and the Ministry of Health. So we have to work and manage that project as that functional program is evolving. I gave you a couple of examples of what changed. There were numerous other changes that happened through the development of that functional program to arrive at the final one.

Mr. David Livingston: But I think it's safe to say when we went back—we went back once just before the RFP went in.

Just in terms of history here, Infrastructure Ontario was set up in November 2005. At that time, we were assigned a number of projects and Niagara was one of those projects, and those projects were to be staged in over a number of years. Not surprisingly, a project that's determined that we're going to go ahead with in 2005 and we're putting into the market in 2008—

M^me^ France Gélinas: Has seen some changes.

Mr. David Livingston: Things change. That process of coming to a final set of specifications took place over the two-year period, so the review process we're talking about is that—but just before we put it into the market, that's when we can sort of nail the budget or settle on a number and settle on a scope, because from their point of view, that's where we're going to be insistent that we're not going to change. We need to get the number for that time, and that's when we go and get the final authority from treasury board or cabinet that this is the number that we have to bring it within.

M^me^ France Gélinas: So I'll take any project in your minds, where you'd gone to cabinet, you went to RFP, you selected a winner, we'll call it, for the bid, and you knew your budget for it. Have there been any circumstances where there's been major scope modification afterwards?

Mr. David Livingston: I don't think so.

Mr. Jim Dougan: No, not afterwards.

Mr. David Livingston: We're going through one right now, but it's not finalized or approved.

M^me^ France Gélinas: Then let's look at a different time: You selected a winning bidder, but before financial close, before you agreed with this consortium—because that's what they end up being most of the time, but we'll call them the consortia for now—where the request for proposals had gone out, the bidding came, you reviewed them, you selected one, and then before you signed the final contract you brought in scope changes.

Mr. David Livingston: I can't help but think that we're leading up to something here, but it's probably escaping me. So it would be where we changed scope before we got the financial close. Can you think of one?

Mr. Jim Dougan: Not changing scope.

M^me^ France Gélinas: Or changed specifications, made changes.

Mr. David Livingston: We understand: where there is some kind of major change between what they bid and what ultimately got approved. We're struggling here. The kinds of things that I'm thinking about, just so you understand why we're hesitating—for example, in Sault Ste. Marie, there were a number of policy decisions being made in the Ministry of Health about what percentage of single rooms you want to have in a hospital to accommodate infectious disease problems. So we changed the percentage of single rooms that would be at Sault Ste. Marie, but I forget where in the process we did that.

Mr. Jim Dougan: It was during the RFP, and we didn't have to go back on that—

Mr. David Livingston: Because we stayed within the number. So there are instances. I don't want it to seem that we're overly rigid here. If there are reasons to change that are directed by the government, they would change. I guess the point, though, is it doesn't always affect the price.

M^me^ France Gélinas: If we go back to the Sault Ste. Marie example, where, because of infectious disease control best practice telling you more single rooms, this actually was a change that you incorporated in your RFP before you selected the winning bidder?

Mr. Jim Dougan: Correct.

M^me^ France Gélinas: And because this is a change that affected pretty well all the hospital designs, because infectious control is done pretty well the same way throughout Ontario, were there other ones that were more advanced, where the RFP had gone out, the selected bidder had been chosen, and those changes came in afterwards?

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Mr. Jim Dougan: I guess it's a similar type—it wasn't directly a result of that, but—

Mr. David Livingston: We're just talking about Trillium. It was further along in the process than Sault Ste. Marie was, but the same change had to take place.

M^me^ France Gélinas: And that's Trillium, you said?

Mr. David Livingston: At Trillium hospital, in Mississauga.

M^me^ France Gélinas: Okay. All right—

The Chair (Mrs. Julia Munro): I'd like to move along. We'll come back to you.

M^me^ France Gélinas: Darn. I was just getting warmed up. Go ahead.

The Chair (Mrs. Julia Munro): All right. Thank you. Mr. Flynn.

Mr. Kevin Daniel Flynn: Thank you, Madam Chair, for the time. Earlier this year, there was a market capacity study done that involved Infrastructure Ontario. Certainly, in my neck of the woods, it became a bit of an issue and sort of highlighted some issues. If I was to paraphrase the report, I think what you were saying is that the ability of the construction industry within the province of Ontario to respond to what had been the forecasted plans at that point in time for the building of infrastructure had gone off in divergent directions, that we wanted to build more than the construction industry was capable of delivering. That set off a bit of a debate around the province. Certainly, it impacted on a major project in my community: It set back a hospital by about 12 months.

What came out of that was that there appeared to be only a certain number of Ontario businesses that were capable of building hospitals, and that seemed to set off another round of debate as to, "If that's the case, that's not a good situation to be in. What are you doing about it?" So that would be the first question. There's still, I think, a debate between ourselves and perhaps the opposition party—or certain members of the opposition—as to whether that market capacity is indeed a problem or not, if it's real or not. If it is real, what are some of the remedies to that?

When you look at the struggling US economy—and you've just described it, or I think it was described in the opening, as being the largest infrastructure investment in a generation, or the largest public infrastructure investment in a generation, which is taking place in a neighbouring jurisdiction. You would think that American companies that are perfectly capable of building hospitals would be banging down our door. Instead, what we're doing is, we're stalling projects because we don't have the market capacity to deliver with the existing businesses that are in Ontario.

That would be my first question: Are things changing? Have things changed since earlier? Obviously, you would still agree that there is a market capacity issue; others would differ with you. If that issue exists, what are you doing to address it?

Mr. David Livingston: I'm going to ask Jim in a second to give you a background on how we did the study and who we engaged with, just to give it some substance. A comment I'd like to make first of all, though, is that one of the successes of the AFP program is that by having a pipeline of projects and by having a consistent set of documents, we have lowered the bid cost for bidders of trying to get these things in the market, which has encouraged more people to come in. So we are seeing contractors from Europe, we're seeing contractors from the US—we're seeing money from all over the place. They are all coming to the province in a way that they were not coming to the province in the past. So I think that your initial premise is exactly proving to be true: We are attracting people we wouldn't attract before.

But the problem, and where the capacity constraints come in, is that they all use the same pool of labour. Whether you're a contractor from Spain or you're a contractor from the US or you're a contractor from Canada, if you need mechanical trades, the mechanical trades are here. It's a much different thing to be importing workers from all over the place. So the constraint usually comes in the trades. In particular, in hospitals, it's the mechanical and electrical trades, because they are a significant proportion of hospital construction, and no matter who the contractor is, they're all going to the same pool.

In the end, the way we will ultimately solve the problem, we think, is by making it clear that there is a pipeline of projects here that's going to last for a while, which gives incentive to everybody to increase the size of the trade forces. It's a long process to get trained, and it's a long process to become capable of being a tradesperson on some of these projects, especially the skilled trades, so they're not going to invest in the time and effort unless they know there's going to be work three, four or five years from now.

We're just part of the game. We've got a pretty steady flow of work on behalf of the government, but what's the private sector doing? What's everybody else doing? These are all variables that are more difficult to predict. How we increase the size of the trades is something we are all interested in doing, but it's all going to happen to some degree depending on, and the views on, where the economy is going, how it looks and whether there is going to be work around that makes it worth increasing the size of the trade forces.

It's probably worth just a bit of a comment on how we did the capacity study in the first place and whom we talked to.

Mr. Jim Dougan: We've put a lot of time into the capacity study because it's so critical to our program, with the staging of the projects that we have. We've consulted with the Ontario General Contractors Association and several of the key bidders on our projects on what capacity they can manage from their perspective. We had

the quantity surveyors' association of Canada and a lot of their members participating, because they see these projects as they're coming in, what's happening to the cost and the escalation on these particular projects. So we did a lot of consulting with the industry and looked at what's happening in the material areas in terms of escalation and how that's driving the price.

When we finally got through it all, it's really, as David mentioned, the skilled trades where we have the biggest capacity issue. Currently, the projects that are assigned to Infrastructure Ontario are all social infrastructure projects, they're building-type projects. Of the projects we have under construction right now, 75% are hospitals. And hospitals, again, as David mentioned—the mechanical-electrical component of a hospital is 40% to 50% of the value of the capital cost, a significant value. So if you have a $300-million hospital, $150 million is just mechanical-electrical, and those two areas are the most trade-intensive trades.

When we go out and talk with the mechanical contractors' association and the electrical contractors' association, they're saying, "We have issues." Their issues are both finding the tradesmen and, even more importantly for these large, complex projects, finding the supervision and the project management within their companies to be able to manage those projects successfully. Because a $150-million project for mechanical and electrical permits is huge, and you just can't put the same people who are running a million-dollar retail project on it to manage it. It takes a very different skill set. So that's where we've found that the biggest constraint is.

When we're going through and looking at our staging plan, if it's a little bit too much of a waterfall effect, where we're stacking too many projects on top of each other, these firms, with limited capacity, really can't effectively bid. What's happening is that we're at risk of not getting competitive bids, because they don't have the resources to properly manage the bids and, if they're successful, to actually do the work in the field. So we had to make sure—the first priority—that there was enough staging, that we weren't overlapping too many projects at one time, so we could ensure that we were getting the most competitive bids possible; that once those projects got their shovels in the ground, so to speak, we had the tradesmen available to work on them; and that when those projects are completing, the people coming off that project could go on to the next project. So we're really making sure we have a high efficiency of the skilled trades that are available.

Mr. David Livingston: If I could just make one last comment, the order that we do projects in is set when we get the project. When we have these capacity issues, we don't pick on one project versus another; we try to keep the order the same. But if you stretch things out, as Jim said, if you increase the time between the projects, there's a ripple effect, so ones that are further out tend to get affected more than the ones that are nearer in.

Mr. Kevin Daniel Flynn: When I think of building hospitals, I think of the PCLs and the EllisDons. And now Carillion and Vanbots, I understand, have merged, to a point where they could provide that service. Is there any evidence of any other companies seriously entering the market in Ontario, and are you free to give their names?

Mr. Jim Dougan: I would think so. We have, on Bridgepoint, for example, the health care project, a request for proposals currently in the market. There are two companies from Michigan that have pre-qualified to bid on it, Walbridge Aldinger and Barton Malow, two very large general contractors that work through the US, with a lot of great health care experience. So we see that depressed market in Michigan, great skills in the areas that we need, and they're coming and bringing their capacity—their bonding capacity, their project management capacity—to Ontario to help deal with our situation.

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Mr. Kevin Daniel Flynn: Is that an occurrence that's taken place since the market capacity report was done?

Mr. Jim Dougan: Yes. That is one—their prequalification for Bridgepoint happened after the—

Mr. Kevin Daniel Flynn: So that is actually added to the capacity of the province.

Mr. David Livingston: It doesn't get us more labour, though.

Mr. Kevin Daniel Flynn: It doesn't get you more labour, but it gets you more supervision.

Mr. Jim Dougan: Well, supervision at the general contractor level. We still have the supervision problem at the trade level.

Mr. Kevin Daniel Flynn: Okay. It's interesting, when we get into the discussions around alternate forms of financing for public infrastructure products, that everybody gets a little bent out of shape sometimes, and that kind of amuses me. I could be wrong, but in the history of the province of Ontario I don't recall us ever having a department of building hospitals. I don't remember us having a pool of guys just sitting around, waiting for the Premier to tell them to go out and build a hospital. We seem always to have transferred in some way that risk to the private sector, and I think this is more in the supervision and the financing end of things and it's what makes the current scheme inviting.

One of the advantages of the scheme is that you transfer the risk, but you don't transfer the risk for free; you actually sell the risk. The private sector assumes the risk but assumes it at a cost. I'm assuming that Infrastructure Ontario constantly sort of monitors where that optimum level of risk transfer is, because you would think it would change on a fairly regular basis and you would want to be at the margins of that, but you wouldn't want to exceed it. At some point, with the law of diminishing returns, you're selling more risk than you need to and you're actually losing money by selling risk. Do you have any comments on that? Could you tell us what you do with those types of exercises?

Mr. David Livingston: I think your observation is entirely correct, and the temptation is to say yes. We put together what we refer to as risk matrices on every

project where our—we'll take a hospital. We sit down with cost consultants and people who have been in and around hospital projects forever and have a deep well of experience, and we figure out what are all the risks in building a hospital. We then, on a hospital-by-hospital basis, look at the hospitals that we're doing and figure out who is best able to manage that risk. There are certain risks that should be on our side, the provincial side, and there are certain risks that should be on the bidder's side, and we go through a process to determine what's appropriate in the circumstance. Then we figure out the value of that risk and we measure that risk against what is the incremental cost of financing, what are the transaction costs and what is the bidder going to charge us to take on that risk? As long as the value of what we're transferring to them is greater than what they're going to charge us for it, then it's worth doing.

There have been instances where—and we go through that analysis with the board before we put the project into the market. If the board is not satisfied that there is value in going ahead, then we won't do it. There are at least two or three cases I can think of where we've done that analysis, determined that there was not value in going ahead—we were not able to transfer enough risk or the project wasn't complicated enough—and in those instances we in effect hand it back to the government and say it's not appropriate to be done by us under AFP and it should be done traditionally.

Mr. Kevin Daniel Flynn: Okay. A final question, and I think it only needs a short answer: I've heard the criticism and you perhaps have heard the criticism, that in order to pre-qualify in the province of Ontario you need to fill out a stack of forms this high or you need to go through a book this high, where in other jurisdictions it's this big. And the criticism I heard was that there are too many lawyers involved in Ontario now. That can either be a good thing, where we've got very high standards and we're maintaining them, or it could be that our standards are excessive to the point where they've become a detriment to the finances.

That obviously is being said out there. What would your response to that criticism be?

Mr. David Livingston: Do you want to talk about the pre-qualification process?

Mr. Jim Dougan: Yes. The projects that are assigned to us are large and complex, so we do have to be careful. We have to manage properly who we are pre-qualifying, so we do ask for a lot of information on experience and qualifications. There's no doubt there's a lot of information that's requested. We do talk to the industry a lot, because we're all about standardization, and we have standardized our pre-qualification process from when we started to where it is now, and we're looking at it again to further refine it so that we're actually pre-qualifying companies on a generic basis, based on their capacity and capabilities, and then we'll have a much simpler qualification on a project-specific basis: "What's your actual experience as it pertains to this project?" So we're in the process of revamping our pre-qualification process on that basis to hopefully simplify it and deal with that concern that you've heard.

Mr. David Livingston: I'd add two things. One is that when we're pre-qualifying—it goes back to an earlier question—the deal is not done with the contractor; it's done with a consortia, and the consortia bidding group consists of a DBFM: an architect, a construction company, a fund provider, a maintenance provider. So there are a lot of people to be qualified, and we need to know that group can work together.

The other comment I'd make is just on legal costs. We take a lot of pride in the fact that we have really done a lot of work to standardize the documents that we have—the RFP, the RFQ, the project agreements—and we have demonstrably brought down the legal costs per deal to a point where we're as good as anybody in the world at keeping the legal costs low per project.

Mr. Kevin Daniel Flynn: I'm going to transfer it on to my friend to my right here, but just before I do that, can I just say, in summary, the project that got delayed in my own community as a result of that market study, perhaps for the right reasons—since that time you've seen an increase in the capacity of the market from the number of firms that are entering the market, but you haven't seen a change yet in the skilled trades, in the mechanical end of things. Should that change take place within the near future, in the short term, or even off into the long term a little bit, that could still alter that schedule.

Mr. David Livingston: I think the chances of having the number of skilled trades increase in the time frame we're talking about are remote. As we have said to the people at the project, their best chance of being able to go earlier is if they're ready, they have their functional program agreed to, the project is properly scoped and costed. It has certainly happened that projects that are ahead of them on the list have not been ready. So their best chance of moving is to be ready, so that if an opportunity presents itself, they can take advantage of it.

Mr. Kevin Daniel Flynn: I think they've taken that advice. Thank you.

The Chair (Mrs. Julia Munro): We'll move to Mr. Ramsay.

Mr. David Ramsay: Thank you very much. This is very, very interesting.

I have a particular interest in the sustainability of our infrastructure, and I'm wondering if you've had any discussions about that on projects going forward, considering things like LEED standards and that sort of thing. Since you are involved in the initial upfront costs and of course the long-term maintenance costs, what would be the cost implications of, say, going to a certain standard like that, whether it's a silver or gold LEED standard, in the long term?

Mr. David Livingston: With respect to the sustainability question, I think one of the benefits of the DBFM approach to projects is that not only do you get a project built, but then it gets maintained to a reasonable standard over an extended period of time. I think it is fair to say that in projects that are built traditionally, they get built,

but then when budgets are approved by the government, maintenance is often one of the costs that gets tossed over the side relative to other things that need to be done at the time. So I do think that the DBFM model creates more sustainable facilities. It will come back to us in a better condition than otherwise would have been the case.

As to whether or not there's a cost benefit to the different levels of LEED standards, I think there's still working being done on that. I think that for us right now, LEED is still something that's decided on a project-by-project basis. There is not yet a policy across the province, so we have a variable amount of LEED specifications built into our projects.

Is there anything else you'd add to that?

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Mr. Jim Dougan: Yes, we do have a number of projects that are following the LEED program. There are probably seven or eight of the 20 under construction that are LEED-certified silver level—I don't think any of them are at the gold level. We don't set the program; that objective comes with the program, or certainly the objectives of what the province wants to put in place in terms of setting the standard.

Mr. David Ramsay: So a particular ministry would say, "We'd like to see this particular hospital A at a LEED standard." Is that what happens, and then you just take your—

Mr. David Livingston: In the case of a hospital, it's more likely going to be the hospital board.

Mr. David Ramsay: Okay, it might come from the local level, and if the government concurs—so that's how. Okay.

Mr. David Livingston: Right. Then we would just have to ensure that, relative to every other specification, fits within the budget.

Mr. David Ramsay: Okay. Thank you very much.

The Chair (Mrs. Julia Munro): We'll move, then, to Ms. MacLeod.

Ms. Lisa MacLeod: Welcome to committee. Just with respect to Mr. Ramsay's point about sustainability, I'm wondering if you think there is an infrastructure deficit in the province of Ontario right now.

Mr. David Livingston: I think there are a number of ways to look at that. We could look at it as individual taxpayers. I think that we—

Ms. Lisa MacLeod: Let's look at it in terms of sustainability.

Mr. David Livingston: We try hard at Infrastructure Ontario to—I'm not trying to evade it, but we don't take a view on that because it's not up to us to decide what projects are going to get done. Our job is one of execution, so once the government has decided that they want to invest infrastructure money into a particular sector or into a particular project, our job is to then do that within the budget that we have and do it as best we possibly can.

We are not a way for various people in the province who would like to have a project done—they don't come through us to get that approved. So while we might have a view on it, our view is no more relevant than anybody else's.

Ms. Lisa MacLeod: Sure, but you surely have a view in terms of the skilled trades deficit in Ontario—you've just described that—

Mr. David Livingston: For sure, but that affects execution.

Ms. Lisa MacLeod: —and that is with respect to execution. Having said that, the execution of your business when funds are funnelled or flowed to your organization: I'm asking again how you would describe an infrastructure deficit in the province of Ontario. I know you deal largely with social institutions and social infrastructure, but surely it doesn't stop there. As you know, communities across Ontario have infrastructure wish lists. They believe in their own view, and so would I, that new infrastructure or repaired infrastructure would greatly improve the quality of life of their residents. I'm wondering if you think that the province of Ontario should create a priority list of infrastructure needs in the province.

Mr. David Livingston: Again, I think that's something that the government, as the owner of Infrastructure Ontario, has to decide, not us. I can certainly say that we see lots of requests for money through the OSIFA loan program at the municipal level, we see the government constantly assigning us projects to build infrastructure, but it's their view on the priorities, not ours.

Ms. Lisa MacLeod: Do you think that's efficient, just being assigned things, or do you think it would be more efficient if we had an infrastructure priority list in the province of Ontario?

Mr. David Livingston: Again, I don't think it's appropriate for us to have a view.

Ms. Lisa MacLeod: I think it's appropriate, and that's why I'm asking the question.

Mr. David Livingston: And the answer is, we don't have a view.

Ms. Lisa MacLeod: So you don't have a view; the whole corporation doesn't have a view on whether or not we have an infrastructure deficit and how we would prioritize infrastructure?

Mr. David Livingston: Our job is to get it done once it's assigned to us.

Ms. Lisa MacLeod: Okay. With respect to prioritization, which you don't have a view on, I do have another question: Do you consider clean drinking water to be a greater infrastructure priority than building mass transit?

Mr. David Livingston: I can have a view personally, I can have a view as a taxpayer, but as Infrastructure Ontario, which is what we're here as, it is the government's prerogative, the government's decision as to who gets the money.

We don't have any water—sorry, that's not true. We have water infrastructure projects that we're funding through the loan program, but we don't have any waste water projects through AFP.

Ms. Lisa MacLeod: Could you tell us more about the loan project that you do have at your disposal?

Mr. David Livingston: The loans?

Ms. Lisa MacLeod: Yes, in terms of water quality—

Mr. David Livingston: I'll ask Bill Ralph, who runs the lending program. So maybe in terms of numbers, or the percentage of the portfolio that goes to water and waste water?

Mr. Bill Ralph: Sure. Since the program was created about five years ago, we have committed to providing about $2.3 billion in loans; of that, about $1.2 billion is for the water and waste water sector, which supports around 173 communities across Ontario and several hundred local projects. So that's the support that the loan program per se provides for the water sector. You'll notice that of the total program, about 70% of the loans are going to water and sewer—waste water.

Ms. Lisa MacLeod: Could you give me a few direct examples of where this money is going?

Mr. Bill Ralph: Sure—all across the province. There's a water plant in Kingston. There's a water plant, I believe, in the city of Timmins, which is building a new water plant. Almost every community in Ontario is doing some form of investment in water infrastructure, which would—I mean, there's 400 and some municipalities in Ontario and we have about 190 clients who are doing water projects.

Ms. Lisa MacLeod: The reason I asked that question is actually quite serious. Residents in a mobile home in my community are without clean drinking water, and there's a pipeline coming from—I'm not sure if you know the Ottawa region very well, the national capital, but there's the township of Russell, which is receiving provincial funding to draw water from the city of Ottawa. The pipeline that they're building right now is, I would say, less than a kilometre away from residents in a mobile home park in my riding, in a small village called Edwards. It's a mobile home park called Lynwood.

We have been having a very difficult time in trying to locate a funding source where these people, who live in the national capital of Canada, can actually have water quality that is not comparable to a Third World nation. Last night, of course, the residents of my city met with the rural affairs committee of our city council to decide how we can best deal with this infrastructure problem, because, I'm sure, as you would agree, if you live in the city of Ottawa, in the province of Ontario, you should have clean water. But we are having a very difficult time identifying a source to upgrade the water problems that my residents are facing.

The other challenge we have—and I know that in our briefing book, we were talking a little bit about COMRIF and how that's administered through the agricultural and rural affairs ministry. We don't qualify for that in rural Ottawa because we're not a rural community, though there are farms everywhere. I'm just wondering, and I'm asking for advice: You folks are the infrastructure people. Where do you go when you have people—50 mobile homes—without clean drinking water?

Mr. David Livingston: The process of applying for a loan from us is an online process. The community that's involved should apply.

Ms. Lisa MacLeod: Okay. I will let them know as of today that they can. Are they able to apply as a mobile home park, or do they have to apply as the city of Ottawa?

Mr. Bill Ralph: They would have to apply through the city of Ottawa. I presume the mobile home park is not an incorporated municipality?

Ms. Lisa MacLeod: No. It's actually owned privately. Does that impact their ability?

Mr. Bill Ralph: Well, generally, the loan program provides financing for public infrastructure—that's publicly owned infrastructure, not privately owned infrastructure. Having said that, there are cases where the municipality would be providing service to a privately owned development or that sort of thing. So if the municipality is in the role of providing a service, whether it's water or other, to a park, then that provision of that service would be eligible.

Mr. David Livingston: And from our point of view, as long as the entity that's requesting the loan is a public entity—

Ms. Lisa MacLeod: Okay. So if it was the city of Ottawa, then.

Mr. David Livingston: Right.

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Ms. Lisa MacLeod: It leads me to another question that I have with respect to the Investing in Ontario Act. Does funding for you folks come through the Investing in Ontario Act or does it come through—do you get an amount of money or a pot of money based on an individual project such as the hospital that he was talking about in Milton?

Mr. David Livingston: The way that the vast majority of our costs are determined is we have—as part of the overall process when a project is approved, our costs are included in the capital costs of that project, and so we are part of the overall project costs and then we are amortized over the life of the project the same way as every other project cost would be.

Ms. Lisa MacLeod: Okay, so the recent Building Canada fund, as it applies to Ontario, wouldn't impact you folks at all?

Mr. David Livingston: No.

Ms. Lisa MacLeod: And the Investing in Ontario Act, which was just passed recently through the Legislature, which says that anything over $600 million in a surplus will go to municipalities, does not impact Infrastructure Ontario at all?

Mr. David Livingston: It doesn't affect us in terms of our funding. I guess it has some effect on whether or not people would want to come to us and want loans. If they have access to money outside the loans, then it may reduce the amount of business that we do.

Ms. Lisa MacLeod: I want to go back to a regional issue again. Do you have criteria that ensures funds are allocated equitably among geography—rural, suburban and cities? Because I know that my colleague Kevin Flynn, like me, represents a high-growth area, though I represent, like Mrs. Van Bommel, a rural community as

well. I know that it is very difficult, because there are competing needs. In one area of my riding, we need clean water, and in another, quite frankly, we need a bridge built because there are 70,000 people where there used to be just a lot of farmers' fields in the last 10 years. So how do you—or are there criteria to ensure that the funds are allocated equitably among the regions?

Mr. David Livingston: If we're talking about the loan program, we have a lot of capacity to make loans, so our problem is not that we have more requests than we have money for. So we have, in a sense, the luxury of not having to prioritize because pretty much any request that we get, as long as we can be satisfied that they can pay the loan back, we can make the loan. We have more capacity than, at least for the foreseeable future, we perceive that anybody could ask for.

Ms. Lisa MacLeod: So in terms of the loans, what is the most that you would give a municipality or a public entity and what is the minimum?

Mr. David Livingston: There's no minimum and there's no maximum.

Ms. Lisa MacLeod: You have a clear ability to do this. And what's the rate of repayment in terms of interest?

Mr. Bill Ralph: The interest rate varies by terms. Our loans go anywhere from 30 days for construction loans all the way up to 40-year-term debentures, and the rates vary accordingly. The way the market is today, the construction loan rate is around 2.5% or 3%, and the 40-year rate would be around 5.5%. Obviously, those rates change with market conditions.

If I could just add a point about the rural question, interestingly enough, of the total $1.7 billion in loans that have been approved, rural and northern communities account for almost $1.3 billion, so the program is really quite focused on northern and rural. One of the reasons for that is that the large urban regional municipalities don't use our program because they're more than able to borrow on their own in the capital markets.

Ms. Lisa MacLeod: Do I have a few seconds?

The Chair (Mrs. Julia Munro): Yes.

Ms. Lisa MacLeod: With respect to that, what is your rate of return in terms of repayment? Is it 100%?

Mr. Bill Ralph: It's 100%.

Ms. Lisa MacLeod: It is 100%. And is it largely municipalities that are applying through this loan, or is it hospitals and other public infrastructure? For example, school boards: Are they able to apply for this fund?

Mr. Bill Ralph: The group that is eligible to apply includes municipalities, universities, long-term-care homes; not-for-profit arts training institutions were just recently added; municipal corporations. For somewhat arcane—

Mr. David Livingston: They can't be assets that are owned by the province.

Ms. Lisa MacLeod: I didn't hear that.

Mr. David Livingston: If they are consolidated under the province's ownership, such as a hospital, they cannot be borrowers.

Mr. Bill Ralph: That would include school boards.

Ms. Lisa MacLeod: Thank you very much.

The Chair (Mrs. Julia Munro): We'll move back to Ms. Gélinas.

M^me^ France Gélinas: We're talking about delivering projects on time and on budget, and I think you were quoted in the National Post as saying, "Building better, faster, cheaper." These are big shoes to fill. Of the traditional procurement that went on, let's say, in the last five years, do we know how many of the projects before were either delayed or over budget?

Mr. David Livingston: We certainly know of some that were delayed and over budget. There were some that were incredibly delayed and over budget, there were some that were modestly delayed and over budget, there were some that never began at all, and there were some that came in on time, on budget.

I think what we do, as far as value-for-money assessments, is look at how a project would be done under a traditional model and we compare it to how we're doing it under AFP, and as long as there is value for money in doing so—we don't try to compare to the worst cases and we don't try to compare to the best cases. What we try to do is compare to the expected case and produce value in relation to the expected case. In every project that we do, we have demonstrable value in relation to that expected case.

M^me^ France Gélinas: You have mentioned that two or three projects were turned away from; after you did the value-for-money assessment, you didn't think that you should. Can we know which three projects those were?

Mr. David Livingston: I'm going to try to remember what they are now. We worked with Ryerson University on a project that they had and there wasn't sufficient value in going ahead with it. The Ontario Police College is another one.

Mr. Jim Dougan: Yes, the Ontario Police College was another project that really didn't have sufficient scope and risk transfer to justify the model. The MUMC project—I'm just trying to remember—

Mr. David Livingston: What MUMC stands for?

Mr. Jim Dougan: Yes, what MUMC stands for. Some of those acronyms; I'll get in trouble for them. It was a health care project that didn't really have the scope or the necessary risk transfer, so it's one that we turned back.

M^me^ France Gélinas: Did you spend any time at all looking at why the traditional procurements were coming in late and over budget?

Mr. David Livingston: The way I'd answer that is to say that the people who work at Infrastructure Ontario have, I usually say, and I might be exaggerating one way or the other, a thousand years of construction experience in the place. You just kind of know—we know it because that's what we do, that's how we live; we know why things don't work. What we try to do is bring all of those skills to the table in trying to establish a deal that doesn't let those problems happen.

M^me^ France Gélinas: I would certainly agree with you that Infrastructure Ontario has built up an internal

capacity to be proud of in engineering, legal, financing etc. and carried out billions of dollars of infrastructure projects. Why are those skills only available to projects under alternative financing and procurement? Why aren't those skills available for what I'll call the old way of procuring infrastructure?

Mr. David Livingston: This is a hotly debated item inside our organization and elsewhere. The reason that we exist for AFP is that we believe fundamentally that the model that we have on how to deliver projects, especially the design, build, finance, maintain, is the right way to go, is the way that produces the best value. If we turned around and said, "But we'll do it any way that people want to do it," it defeats the purpose for which we exist. So if we think it's the right way, then this is the way that we should do it.

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One of the arguments is that we just don't want to give people an easy out because they don't happen to like the model. The model is the right way to go. But I'd go further and say that our worry is that—we think part of the reason why we've been successful is that we have an organizational size that allows us to know pretty much what's going on. If we started to handle every project in the province in some kind of project management capacity, we would be quite a bit bigger and quite a bit more diffuse, and I think that that would potentially water down our effectiveness. So we just think that we're better and we're producing more value by sticking to the DBFM model.

M^me^ France Gélinas: So does that mean that if we take a highway infrastructure project that has been using mainly design and build and not the other part, Infrastructure Ontario is not going to handle any highway infrastructure project?

Mr. David Livingston: No, I think not. We have been talking a lot to the Ministry of Transportation, and I think the hurdle for them is that they have to get the government to agree to put capital into a highway project. Once that decision is made, then we'll do an assessment with them as to whether or not there's value in using the AFP model. We've been through at least a couple of possibilities in that regard with them that we think would likely be best delivered by way of AFP, so I think it's entirely possible that we'll be doing highway projects, presuming they get the capital.

M^me^ France Gélinas: Okay. So there is a leap of faith there that you're asking everybody to make, that you have a group that is convinced that your model, based on the values inherent in your model, is the best way to go. What do you do with economist after economist who brings in arguments that say, "No. Certainly, the internal capacity that you have developed is very valuable, but it should be used for projects that are design and build, not finance"?

Mr. David Livingston: I guess we'd find economists who agree with us. That's an overly trite answer. I think there is as much art and science in the answer. Could I point to a specific study that says that our position is the right way for us to be? The answer is no. It's just our collective view and it's one that we've debated ourselves, based on all of our experiences, that we think that this is the right way to go. I don't want to be boastful about it, but I think our collective experience is at least as good as one or two economists'.

M^me^ France Gélinas: Okay. I want to come back to the disclosure of the value-for-money assessment. The Canadian Centre for Policy Alternatives and the Registered Nurses' Association of Ontario did a report, and one of the main conclusions was that there was no way for stakeholders to evaluate the cost-effectiveness of P3s because of the serious lack of disclosure. Would you agree and commit to providing financial information so that we know the financial aspect of the agreements?

Mr. David Livingston: We pride ourselves on our disclosure. We always, I have to admit, bristle when we get the criticism that we don't disclose enough. We disclose our RFQs—requests for qualifications. We disclose requests for proposals. We disclose who qualifies when they get to them. We disclose the project agreements at the end so that all the terms are known. We have a pretty high level of disclosure. We think we are quite transparent.

The things that we do not disclose—I think, in particular, the individual finance terms—we don't disclose because we think it is not in the province's interest to disclose them, because the more we do that and the more that everybody else knows what they are, the more we affect the quality of the bids that we're going to get in the future. The bidders don't want us to be disclosing the individual terms of the finance agreements because they consider that to be their competitive advantage. From our point of view, if we start to destroy that competitive advantage, then we think we meaningfully affect the level of the competition. So there are certain things that we will not disclose, but we do it in the province's interest—in the interest of getting the best possible deal.

M^me^ France Gélinas: How do you balance this with accountability to the Ontario taxpayer? I've gone on your website and tried to find every number that I could; I couldn't get a whole lot. I did a freedom of access to information—you sent me 300 pages like this. There is not a single number on it except for the page numbers.

I'm a member of Parliament: I want to know. I want accountability back for the people of Ontario. Those values that drive you, those values that have you convinced that you're doing the right thing, have to be shared with the rest of the people of Ontario. The only way to do this is through what your chairman has said as his opening statement: "We want to be as transparent as we can." This is how you build trust; this is how you build accountability. Is this trust and accountability?

Mr. David Livingston: All I can do is repeat myself. We take seriously the desire to be transparent and we take equally seriously the desire to get the best possible bids. Our view is that disclosing information with respect to the workings behind the finance component will not get us the best bids. That's as much in the interests of the taxpayer as the kind of disclosure that some people want.

M^me^ France Gélinas: Try to explain it to me so I can explain it back to people who don't share those values. To know that projects cost millions of dollars, $75 million for the cost of the project, $25 million for the cost of financing this thing over 25 years—how is my knowing that it's $75 million and $25 million going to be a competitive advantage to anybody? The value-for-money analysis that you do will be for the project, not for the bidder. I don't get it.

Mr. David Livingston: I'm frankly not sure how I would satisfy you. When a bid is put together by the consortia, there are a number of components to it: There is the design component, the build component, the finance component, the maintaining component. They very much look at all of those things together. Some will have a strategy in their bid that focuses on the maintenance portion, some will have a strategy that focuses on the financial component; others will focus on the construction component because they think that's where they're particularly good. There are strategies that the bidders have. What we try to do is not disclose those strategies to give them an incentive to keep trying to do better and to give others an incentive to compete with those strategies.

It is an art as much as it's a science. All I can say is, our collective judgment is that what we disclose is appropriate, it is transparent, and what we don't disclose is that which would ultimately hurt the value that would accrue to the taxpayer in the end by disclosing it.

M^me^ France Gélinas: And you're not willing to look back upon those decisions and see if you could be more transparent?

Mr. David Livingston: Honestly, we consider transparency—we don't disagree with you. We think transparency is very important and we always look at what we disclose, what we don't disclose. It's not like we have a rigid position that we'll never change. All I can say is that of the things that we have looked at, we feel comfortable that we've made the right decisions.

M^me^ France Gélinas: If we take a project, when you go through evaluating the scope of a project and finding out how much money you will be requesting from cabinet, you assign a risk premium to the financing of that project. I read this in your—

Mr. David Livingston: In that thing? Okay.

M^me^ France Gélinas: Yes, so I take it that it's true.

Mr. David Livingston: Yes. We put in what we expect the interest rate will be. The risk premium in effect is what the interest rate is over the Ontario rate, which is a quasi risk-free rate. So the answer is yes.

M^me^ France Gélinas: Wouldn't that be the same for every project that comes through?

Mr. David Livingston: It depends on the market at the time. It will change depending on what rates are on the market.

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M^me^ France Gélinas: Yes, but what I mean is, a project in 2008—your projection of interest rates for the next 25 or 30 years will be the same from the date that you do that projection.

Mr. David Livingston: Yes; that's fair.

M^me^ France Gélinas: So why couldn't you share that?

Mr. David Livingston: We definitely do not want to be giving that rate out to the market. We never tell the market what our budgets are, and we never tell the market what we expect the rates will be. We want them to tell us. We want them to be highly incented to come with the lowest possible prices and the lowest possible rate. So we don't tell them because, as far as we're concerned, it's their responsibility to come in with something that's better.

M^me^ France Gélinas: You have mentioned in the documents that you submitted that you haven't been audited. I don't think I'm using the right term.

Mr. David Livingston: The Auditor General has not done a value-for-money assessment on us, right.

M^me^ France Gélinas: Do you figure it's time?

Mr. David Livingston: There are two things that we have done. There is an internal audit function within the government that has done a review of us just recently. We got a good report and we shared that with the risk committee of the board, and they were satisfied. Tony can comment on that if he likes. In addition to that, on every project that we do, the value-for-money assessment that we put together is reviewed by a competitively procured auditor that confirms that there is value and that the process we've used is a market process. Whether the Auditor General chooses to come in and review us or not, and they are free to do it whenever they like, we think that we have an ongoing process that is to a high standard.

M^me^ France Gélinas: I would agree with you that this assessment as a value-for-money would bring in accountability. But I quote from this assessment: An "attempt to independently verify the accuracy or completeness of the information or assumptions underlying" the public sector comparator was not available.

Mr. David Livingston: You probably need to read the full letter—

M^me^ France Gélinas: I read the full letter, and I felt pretty good until I came to this part.

Mr. David Livingston: It is similar to the decision that somebody makes when they're getting their books audited every year. There is always a qualification and an auditor opinion. The cost of getting a complete audit would be very high. What we want to know is that the process that we use is a reasonable process and that the outcome produces a value, and for both of those we got affirmative statements in the auditor's letter. What we're paying for is that which is most important and that which gives the board comfort that we have value in the deal.

The Chair (Mrs. Julia Munro): I think we must move on in this round. Mrs. Sandals.

Mrs. Liz Sandals: Maybe I will just start with a bit of preamble. One of the things I do, actually, as a member of the public accounts committee—and I was just going to comment for the record that whether or not the auditor has chosen to audit you, since he has been given the

authority to audit agencies, actually has nothing to do with you; that's the auditor's choice. The auditor has chosen, initially, to look at sorts of agencies of which there are multiples, for the most part. So he has looked at school boards, he has looked at hospitals, he has looked at colleges, he has looked at universities. He did look at Hydro One because there has been a lot of conversation about that. I just didn't want to leave the impression that somehow it's your fault that the auditor hasn't done that sort of public accounts evaluation of you, because you don't choose; he chooses.

The other thing I wanted to comment on: In my past life, I spent 15 years as a school board trustee in a board that was experiencing significant growth, so I've actually had a fair bit of experience with I guess what you would call conventional capital projects, albeit not as large as the ones that you are tending to handle. It seems to me that a number of the issues we've been talking about this morning that you face are, in fact, exactly the same issues that you would deal with if you were going at a project in a more conventional financing mode. As a trustee who had some fiduciary responsibility, and I actually was actively involved in a lot of building committees, the issues around changes in scope while you're in the process of getting the detailed specs for a project is something that happens, and particularly, when you're at the policy directive of the government. Changes in scope, in the initial sort of phases of a project, aren't unusual. The whole issue around doing a reality check on the budget, that the initial budget, once you've actually got the scope well defined, may have been unrealistic in the first place and that that needs some re-examining: Do you change the scope to get to the budget or do you change the budget to get to the scope? That's a policy decision, really.

The issues around capacity—certainly, when we were building lots of schools, we would have faced the same issue that people who are in building schools faced when too many came to tender all at the same time. Then you started to see the price going up just because of capacity with those people who happen to do schools. So the labour availability, the issues around prequalifying subs, all of those things strike me as issues that you would experience if you're responsibly supervising projects, no matter what financing model you choose.

Could you comment on whether in fact that observation is true and then, where your experience is a little bit different from people doing conventional sorts of financing models? Where do you have additional roles in terms of conventional models?

Mr. David Livingston: I would say that what you said is absolutely true. A lot of the disciplines that we use about scoping and costing before you put it into the market are all things that should be done, whether it's done traditionally or done otherwise. Having said that, even in the best scoped project or even in the best possible case, things happen. In the types of contracts that we have, the types of things that happen, we want those to be—where it's controlled by the bidding group, it's their responsibility to fix them. A great example of that is where, invariably, there'll be differences between what a design says should happen and what the contractor will actually make happen when they get in there and start building it.

We don't want to be responsible for those misalignments, because they can be costly. So even in a perfectly scoped, perfectly costed project, there can still be value in transferring risk, and that's what we assess. When we do our value-for-money assessments, we're not trying to compare to a badly scoped traditional project or a badly costed traditional project; we actually assume that that's all done well, and still, we determine that there's value-for-money in transferring risk.

The reason for the finance being in the deal is to give the bidding group incentive to perform. If it's their money at risk, there aren't going to be delays. We think that even with all of the traditional performance done well, there can still be value in a deal.

Mrs. Liz Sandals: The other thing that intrigued me was your discussion of OSIFA, and I know again that this was always a challenge for smaller school boards, particularly, in trying to get the best rates when they go to market because typically, people with money prefer to work with larger organizations rather than smaller, and school boards have solved that by setting up financing consortia because, as you say, they're consolidated on the province's books, so they're not eligible for OSIFA.

But could you talk a little bit about, when we're looking at our partner agencies and other public sector organizations, how the availability of OSIFA is actually helping those organizations get better financing than they would otherwise have access to, because from my point of view, at least, that's what I find really exciting, that small organizations can get help with getting good deals. So could you talk about whether that in fact has been the case and why that's the case, if it is?

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Mr. David Livingston: It's undoubtedly the case because we're able to borrow at the provincial rate, with a small increase to cover our costs. A small entity out in the province would not be able to borrow at that rate. As much as anything, what we do is try to make the access to the money relatively easy, but as importantly, relatively consistently. Part of the problem that smaller public entities have is that if they just went to the private sector and tried to borrow, they'd get inconsistently served. Some get it, some don't. We try to fill those gaps, if you like. We don't want to be a lender of last resort; that's a bad place to be because that just means you get all the bad risks. We want to be a consistent provider to sectors that are not consistently served today, and we're able to do that at an attractive interest rate. So we think that we give them consistent access that's in their interests.

The Chair (Mrs. Julia Munro): Mrs. Van Bommel?

Mrs. Maria Van Bommel: Thank you for appearing before us today. Just two questions, a bit on both sides of the things we've been talking about. Considering the

dollar values of the projects you deal with and the complexities of those projects, I think for the average taxpayer it's very difficult to understand how these things are being managed, and we've been talking about it in bits and pieces all morning. I was wondering if you could very concisely let us know how you ensure that the public dollars are well managed, that the costs are well managed and what you do to ensure that the taxpayers get value for their money.

Mr. David Livingston: I'll take a shot at it and what I don't get right, Jim will correct me on. I'm trying go focus on the concise part of what you said. The first thing that we do is make sure that the scope for a project is well defined and properly costed before it goes to the market as opposed to figuring it out as you go along.

The second thing that we do is try to transfer the risk and the responsibility for performance to the budget to the bidders, to the private sector.

The third thing that we do is then stay out of the way and let them perform to their contract and deliver the project within scope. But we act as an intermediary between the bidder and the customer to make sure that they don't change their mind on the way through, so we don't get back into, "Well, scope can change here." If the scope is going to change, then there'd better be a really good reason. At the end of it, we have appropriate advisers who will look at the project and make sure that what we got delivered was what we were expecting before we let the money go out the door.

I think those are the four or five things we do that create the value.

Mr. Jim Dougan: Just to add, on the discipline side, is certainly the due diligence that we put in—David touched on it—before a project goes to the market. We spend an awful lot of time making sure the scope is right, the proper approvals are in place so we don't have issues that once it's under construction that we have to fall back on. So, really, due diligence is critical.

In working with our co-sponsor, whether it's a ministry or a hospital, we enter into a memo of understanding with our co-sponsors on each of the projects, a project charter which sets out the goals and objectives for the project and how we're going to work together and what those conditions are. Then, on each project, we have a project implementation plan which really sets out the project management processes that we're going to use and our co-sponsors follow our systems—all our project management systems, how we manage the cost, how we control the scope, how we deal with schedule issues. It's very well defined and very standardized. Each one of our projects—the 20 that are under construction right now—is following the same discipline, which is key from a project management standpoint.

Then as an organization, whether we're overseeing the construction or we're actually managing the construction—and that does vary, whether it's a hospital project or a public works project—we monitor those projects on a monthly basis. We have what we call an AFP construction committee where we have very detailed reports on all the key performance indicators on that project, in terms of the budgets and the schedules and risk registers, contingency usage, any issues in the community that come up. We have our project teams present to the committee, and then issues are dealt with very proactively on that basis. So we really manage these projects in great detail.

Mrs. Maria Van Bommel: I think one of the things most taxpayers always worry about is the over-budget thing. People always hear about projects that have gone over budget, especially in hospitals and such, and then the community and the hospital board are suddenly trying to deal with something like this. In the process that you were talking about, do you have a process for dealing with or anticipating or monitoring to catch those kinds of things early and to work with the contractors and the hospital board to try to make sure that you don't go over budget?

Mr. David Livingston: You typically go over budget because you changed the scope. What we do is we just say no. Because we feel pretty confident that the process we went through at the beginning of a project was appropriate, that we really worked hard with the hospital on what's the scope that they want, and we make sure that the ministry agrees with that, that the hospital agrees with that, that all the stakeholders in the entity agree with that—because we've invested all that work up front, it makes it easier to say no when people want to change their mind on the way through. It's a bit simplistic, but our first answer is no, and then you kind of go from there.

Mr. Jim Dougan: Just to follow on that, to say no, that's our punch, where there's no doubt. Then, as part of our process, we have a project scope authorization change which is a very detailed, laid-out procedure. So if someone wants to change the scope on a project, it's going to be painful to do it because of the approvals that you have to go through, and we manage that. So a hospital, for example, can't change the scope unless we approve, and there's a very detailed process map of how that's done and appropriate forms that have to be signed off before they're allowed to do it.

Mr. David Livingston: We look at it as effective use of bureaucracy.

Mrs. Maria Van Bommel: I also wanted to just go back to the OSIFA loan program. I'm from a rural riding, and I'm certainly not surprised to hear that the bulk of your loan applications come from rural and northern communities, considering, firstly, the kilometres of infrastructure that my municipalities deal with and the tax base that they don't have in order to pay for those things. I've had a number of my municipalities work with the OSIFA program.

Mr. David Livingston: Happily, I hope.

Mrs. Maria Van Bommel: Well, that's my question. I'm going to say to you that they are because I have not had them say otherwise to me. I guess sometimes you can gauge success by repeat customers, so to speak. So my question to you is, can you give us a percentage of the clients or municipalities that are repeat clients for you?

Mr. David Livingston: I'll let Bill answer that in a second. Repeat clients is a way of being able to judge success, but you can also do it directly. One of the things that we do as a measure, that we commit to the board at the beginning of the year and then we measure at the end of the year, is client satisfaction. We send out questionnaires to all of our lending customers, we send out questionnaires to our clients in the AFP projects, and we ask that they rate our service. We commit that we will achieve a certain rating. It's the top two boxes: What percentage of the customers rate us as being satisfactory or better? Our target is 80%. If we don't achieve that target, then we have failed in one of our key objectives with the board. So we actually do client surveys regularly. The response rates that we get are quite high, and the statistical relevance of the ratings that we get is considered to be quite accurate. We would say that based on the last two years—we've been doing this now for two years—the satisfaction level of our lending clients in particular is very high.

But you're right: Repeat business is a great indicator. So what would you say?

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Mr. Bill Ralph: Well, according to the recent stats that we have, about a third of the current clients are repeat clients. That would include communities like Oxford county, which has been in the program since day one in 2003. It now has over 70 projects financed through our program. Chatham-Kent is another community that's been very active over the period. Yes, current clients are good; it's also good to get new clients. In particular this year, a lot of our business, at least a third of the new business we're getting this year, is from new clients. So that suggests that the current clients are satisfied, and that the new clients are hearing from the current clients that it's a good program.

David was alluding to our client survey. As he said, we do that every year, and one of the questions we ask around the OSIFA program is, "How can we improve it?" So over the years, we have done a number of things to make it more user-friendly, if you will, things like reducing the amount of documentation that we require and providing more flexible financing in terms of different terms—five years, 10 years, 15 years—throughout the spectrum. We have some customization in terms of the loan itself that we're able to provide. Those are some of the things that we've done coming out of the client survey, at least this year, and have done other things in past years to make it more friendly for the clients.

Mrs. Maria Van Bommel: Thank you for that answer. I think one of the things—and Ms. MacLeod talked about it. I have municipalities in my riding that just don't have the capacity in terms of taxpayers to do a quick repay of a loan. Without naming a municipality, I guess—and you were talking about how there's no such thing as too big and no such thing as too small. But I also know, being familiar with my own municipalities, that there would be situations where the amount of money would be relatively large per ratepayer. The ask would be small in comparison to others, but nevertheless would maybe be extended over a longer period of time, even though the dollar value of the ask isn't that high. I don't know if you have the dollars in front of you, but I'm just curious: What would you say is the smallest loan that you have given out and what is the longest-term loan?

Mr. David Livingston: The smallest is literally going to be a few thousand dollars and the largest is going to be many millions of dollars. But it's not—and we do have standards. There are certain criteria that we look at to ensure that a municipality doesn't try and borrow too much. But I would say that, for the most part, municipalities are quite risk-averse, and so we very seldom see them come in wanting too much money. It happens, and when it happens, we try very hard never to say no, so we go back to them to try and get them to rework their request to something they can manage. I would say that more often what we see is that a municipality will come in, will want to borrow money, and we don't really get why they want to borrow it for as long as they want to borrow it for, because it looks like they've got the cash flow in the municipality to pay it off faster. I think they're just trying to be prudent; they're trying to line up their financing in relation to the life of the asset—it's a good strategy—and not necessarily in relation to their cash flow.

So when we say small—I've seen thousand-dollar loans, which is crazy. They can be quite small, but equally they could be quite large.

Mrs. Maria Van Bommel: What I hear you saying, then, is that if a municipality comes forward and has an ask and a need—

Mr. David Livingston: We work with them.

Mrs. Maria Van Bommel: You work with them. So you will go back—you don't just simply flatly say no because they don't have the capacity to repay or whatever; you just simply would go back and help them work through the project. In many cases, as Ms. MacLeod has said, these are issues of water, waste water and public safety for these communities, so they have to do them. They need to deal with the issue; they just don't have the dollars to deal with it at the time.

Mr. David Livingston: Right. In the last three years, I almost can't remember a time when we flat out said no. We can usually work something out.

Mrs. Maria Van Bommel: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move to Ms. MacLeod.

Ms. Lisa MacLeod: I just want to touch on a few things that we discussed during my last round. Then I've got some questions—five—from one of my colleagues that I'll be reading and I'd just like you to respond to them. He's not here.

I just want to pick up, actually, where Mrs. Van Bommel left off with respect to what is too big and what is too small for a loan. She is right: Most of our municipalities will go there, whether it's for sewage treatment, septic problems or water quality problems. But I'm wondering, do you do any value-for-money audits on the money that is loaned and that is repaid?

Mr. David Livingston: What we do, especially for the larger loans—because we have a pretty good capability within Infrastructure Ontario to judge projects, to cost them properly and to figure out what are the right disciplines along the way, the thing that we don't want to have happen is to lend some money to a municipality for a project and then find out that they've got a bunch of overruns, for whatever reason. It's not value-for-money in the sense that we're not looking at doing it as an AFP versus traditionally. What we try to do is work with them to make sure that what they're asking for is in fact what the project will cost and that there is a very high likelihood that the project will be delivered within that budget.

Ms. Lisa MacLeod: That's all done at the front end of the loan, so nothing at the back end: You wouldn't go back and assess if the money actually went to where it was intended to go?

Mr. Bill Ralph: Yes, we do have an audit capacity, where, on a selective basis, we will go to a community and audit compliance in terms of whether the money did actually go to the project it was intended for.

Ms. Lisa MacLeod: Okay, that's great. I just want to talk a little bit more now about the grant program that you were responsible for last year. In Ottawa, we call it the MIII. We received $20 million for archives in Ottawa. But that said, my very first question was with respect to what Mr. Ramsay had said in terms of sustainability, then I wanted to talk a little bit more about infrastructure deficit. I then talked a little bit more about prioritization. This pot of money, which I think was around $450 million—which was, I assume, allocated to Infrastructure Ontario—

Mr. David Livingston: What it was—we've built a reasonably good infrastructure ourselves to administer the loan program, so what the government did was rent our infrastructure to allocate the money. The decisions about who got the money, the decisions about the size of the pool, were all made by the government. We acted as an administrative arm for the—

Ms. Lisa MacLeod: So you dispensed the funds.

Mr. David Livingston: We just dispensed.

Ms. Lisa MacLeod: So there was no—

Mr. David Livingston: We took in the requests and passed them to the government; once they made the decision, we dispensed the funds. We truly were an administrative arm to the government, efficiently handling the requests and efficiently distributing the money.

Ms. Lisa MacLeod: Okay. So the $450 million was allocated to the Minister of Public Infrastructure Renewal and then was sent to you to dispense. But the Minister of Public Infrastructure Renewal and his department were responsible for deciding who received what and how much?

Mr. David Livingston: I don't even think I could tell you how the decision was made about who was going to get what. We would have received our direction from the Ministry of Public Infrastructure Renewal, but the process that they would have used to determine who got what money would have been something that was internal to them.

Ms. Lisa MacLeod: Okay. Now, with respect to those 462 projects, municipal projects throughout Ontario that received funding through this one-time grant, would you be responsible, then, to ensure that the money was spent where it was intended to go, or would that be the minister of municipal infrastructure—I don't even know. It used to be David Caplan; now it's George Smitherman.

Mr. David Livingston: We have an audit function to make sure that it went to the place it was supposed to go.

Ms. Lisa MacLeod: So you do have a capacity, then.

Mr. David Livingston: Right.

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Ms. Lisa MacLeod: And have you started that process, or will that process be undergone in the next year, and how will you embark upon that? Could you enlighten us as to how you'll move forward?

Mr. Bill Ralph: The report-back process on what we call the MIII program—there's another one for you—

Ms. Lisa MacLeod: It's got lots of names.

Mr. Bill Ralph: —requires that the grant recipients report back at the end of the first calendar year. So that will start in March 2009. The instructions to the grant recipients will likely be going out in the next few weeks. We have been discussing with the Ministry of Energy and Infrastructure over the last little while precisely what the report-back process will look like and what the requirements are, so that is being finalized as we speak. Then the instructions will go to the grant recipients to outline exactly how they are to report back. Then we will receive the first report back next March.

Ms. Lisa MacLeod: That's great. What if the criteria that you're putting in place are not met? Will you take back the money from the municipality?

Mr. Bill Ralph: That would be a decision the ministry would have to make.

Ms. Lisa MacLeod: Infrastructure Ontario, then, has no decision-making capacity whatsoever?

Mr. Bill Ralph: Not on this program.

Mr. David Livingston: On the two grant programs, as I say, we were just administrative. I suppose there is probably some value in us knowing who got the money, because in some cases, the grant money wouldn't have been enough for the total project, and so they might need to top up the grant—

Ms. Lisa MacLeod: Through the loan program?

Mr. David Livingston: —with a loan. With respect to the loan, then, we would have decision-making capacity, but not with respect to the grants.

Ms. Lisa MacLeod: I guess this is a real challenge then, if some communities, theoretically, don't meet the criteria, and having the grant and then the loan, and you don't have the ability to go in—whether it's a value-for-money audit—to try and recover those provincial funds if the project didn't go forward.

Mr. David Livingston: If the government decides—if the audit shows they didn't use the money for the

purpose intended and the government decides they want the money back, I guess we'll find a way to get it back.

Ms. Lisa MacLeod: Okay, but you will have no say in that, even if you do have a portion of that funding that was part of the loan process.

Mr. David Livingston: Yes, but if it was part of the loan process, we would feel pretty comfortable, then, because we have control over that, that the money was used for the purpose intended, so it's a bit difficult to picture how they could get a grant and a loan and that both of those pools of money would not go to where they wanted it to go. If it's going to happen, it's more likely going to happen if it's just a grant.

Ms. Lisa MacLeod: The final question on the MIII, M-triple I—it sounds like it should be a movie out of Hollywood. In terms of that, will you be making recommendations to the minister on follow-through, or if there hasn't been appropriate follow-through from municipalities—to take action? Or are you just administering, again, the criteria to the recipients, and you just leave it at that, and it's up to the minister's office or the ministry to follow up?

Mr. David Livingston: Right. It won't be a recommendation from us.

Ms. Lisa MacLeod: I appreciate that. I'm going to ask some questions to follow in the line of Mr. Flynn's questions. They come from Ted Chudleigh, who's our MPP from Halton. I'm just going to read them:

"The town of Milton is the fastest-growing community in Canada"—although I would argue that Barr Haven is the fastest-growing community—

Mr. David Livingston: You're here and he's not.

Ms. Lisa MacLeod: —"and it's mandated to expand by the Liberal Places to Grow initiative. However, population growth has not been accompanied by the necessary investments in infrastructure; most importantly, its hospital is congested and its health care staff are overworked. When will the Milton District Hospital receive its well-needed expansion, and why hasn't this started already?"

Mr. David Livingston: I will just go back to where we started; that is, the decision about who gets what money is made by the government, not made by us. We execute the government's wishes. So I think the answer would be, presumably, for the hospital to be talking to the Ministry of Health and Long-Term Care. That request, if the ministry puts it forward, will get into the capital planning process of the government, and we'll find about it in due course.

Ms. Lisa MacLeod: Okay, then his next question is that the city of Oakville is in dire need of a second hospital, and why has the new Oakville hospital in Halton been delayed?

Mr. David Livingston: Ditto.

Ms. Lisa MacLeod: And I guess you're saying it's because the Ministry of Health and Long-Term Care hasn't put forward this request to make it a priority.

Mr. David Livingston: I presume.

Ms. Lisa MacLeod: Okay, thanks.

"How is it possible that other projects in Ontario proceed while the Oakville hospital is stalled? Why has the health of certain citizens been put on the back burner?"

Mr. David Livingston: Again, as I think I said when I answered Mr. Flynn, when the projects are assigned to us they're assigned to us in an order and we try to respect the integrity of that order unless there is a good reason not to. So we don't arbitrarily say we're going to Halton here and somebody else over here. It's—

Ms. Lisa MacLeod: It comes in through the government, then.

Mr. David Livingston: It comes in through the government.

Ms. Lisa MacLeod: Okay.

"Ted Chudleigh has talked to the heads of eight construction companies that are able to build hospitals. They have all said that they are ready and willing to begin work on the Oakville hospital. How can you say that construction capabilities are exhausted?"

I know that we touched on this earlier, but if you could just repeat for the record your—

Mr. David Livingston: If you ask any construction company, "Are you prepared to work on any project?" the answer will always be yes. But if you take into account that between now and the time that we're going to put Halton into the market we have 15 other projects that we have to do, and somebody is going to win those projects, which is going to tie up labour and it's going to tie up the contractors, then the answer is going to be quite different. So I think they take that comment in isolation and don't consider what the effect of everything else is that we have going on in the province, both on our side and privately. I think that you would get a different answer.

Ms. Lisa MacLeod: Okay, and then he goes on to ask, "If construction capabilities in Ontario are really exhausted, what is being done to remedy the situation?"

Mr. David Livingston: As we said, they're not exhausted. We just need to stage things so that we don't exhaust them. To think that there would be some sort of magic wand that could be waved to create labour, that's going to be tough. Our belief is that if we can be consistent at how we roll out projects and have a consistent pipeline, the market will look after creating labour and creating capacity because that's the business that they're in. Where the market has more difficulty responding is if the pipeline is not there or if there are stops and starts; then it makes the investment decision tougher to make.

Ms. Lisa MacLeod: Can we just talk a bit, then—and I know it's not exactly in your realm but it is about the skilled trades shortage. In Ottawa recently we've invested an enormous amount of money on a new trade school that the community has gotten behind for a very long time because of this issue. But then, it's not only training these folks, it's also that the apprenticeship ratios are a little too high. Is that impacting the situation in Ontario right now?

Mr. David Livingston: I couldn't talk intelligently about apprenticeship ratios.

Mr. Jim Dougan: It's really outside our bailiwick.

Ms. Lisa MacLeod: Would you know how many skilled labourers we would be short if we were to complete the list that you have in front of you right now?

Mr. David Livingston: Well, if we complete the list on the staging that we've done, we won't have a shortage. Again, we don't look at it as if we have a shortage. What we have is a need to be able to stage the projects so that we—there is available labour, but if we try to do 15 projects next month there wouldn't be enough labour to work on all those projects at the same time. But if we stage the 15 projects in over the next year and a half, then we can manage the flow and then the available labour can get the work done.

Ms. Lisa MacLeod: I understand that, but I think it goes to the point that Mr. Flynn was making. His community needs a hospital. My colleague shares the community. They need a hospital and we were told in the last election campaign that there is a crane on every hospital in the province. At least, that's what we were told in Ottawa. So that's nice and it's all well and good, but there is a problem here with respect to available labour. I think priority also comes into this. What is a priority in Oakville and Ottawa may not be a priority elsewhere. From what I can tell, the two MPPs who represent that area—Halton and Oakville—would say that this hospital is a priority and they would like to see skilled labour, supervisors and construction workers on a hospital site right away.

It goes back to that whole level of prioritization and where we should be putting workers. I'm not sure of all the different projects—if you're working on any in Ottawa, keep doing it, but—

Mr. David Livingston: And we are, and we will.

Ms. Lisa MacLeod: And that's excellent, but I guess it goes back to that whole level of, where do you put your resources in a timely manner? I think that you don't want to pit communities that need hospitals against one another in the province. So that's why I go back to that: How many people, if we wanted to build these hospitals today, would we need in terms of skilled labourers? I know that there are specialized tradesmen that we would also require.

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Mr. David Livingston: I don't think we could give you a number.

Mr. Jim Dougan: There's the Ontario Construction Secretariat. They've published figures, and I'll probably be wrong, but they're saying that there's a shortage, I think, in the order of 250,000 people that'll be coming up—it's not immediate but over time, with retirement. The average age of construction workers—if you look at carpenters and labourers and some of the key trades, they're all approaching retirement. It's really a crisis for the construction industry. So it is an area, and that's where we hope that the capacity study that we put forward—it was a very detailed document and we did spend a lot of time. We're trying to get that message out that there are needs here. As I said, the construction secretariat do their own surveys, and they've identified that there are needs. I think that's actually a very good publication to refer to.

Ms. Lisa MacLeod: Would you be able to table your capacity study with this committee?

Mr. David Livingston: Did we make it public?

Mr. Jim Dougan: No, we didn't. There are probably some things—we just need to be careful with what we put into the document, so we'd have to look at what it is. A lot of it is, as I say, dealing with the issues that we've talked about. We just have to watch how we've represented some things that might be—as David was pointing out earlier, if it gets into the market or the bidders and that, it might be sensitive information for the province to disclose.

Ms. Lisa MacLeod: Okay. Well, when we get to our committee report writing, I think it would be extremely beneficial if this committee were to receive a briefing in camera on this. I think it has actually created some issues in Halton and Oakville, just because the two lines of questioning from the members, although they're from different parties, were quite similar in terms of concerns. I think it would help us in terms of writing the report and making recommendations down the line.

If you're uncomfortable making this public—

Mr. David Livingston: I think that this would be something we'd want to discuss with what we referred to as the shareholders, so this would be our decision, in conjunction with the government. I think it's something that we would discuss with them and figure out what's the right way to respond.

Ms. Lisa MacLeod: Okay. Thank you.

The Chair (Mrs. Julia Munro): Just to remind you that this is the last go-around.

M^me^ France Gélinas: So how long do I have?

The Chair (Mrs. Julia Munro): You have seven minutes.

M^me^ France Gélinas: I'll speak fast.

The first one is: When I asked you whether we ever did the percentage of traditionally procured public infrastructure projects over the last 10 years, how many of them were delayed and how many of them were over budget, you told me that some of them were by large amounts and some of them never even saw the light of day. But do we have the actual percentage?

Mr. David Livingston: No.

M^me^ France Gélinas: Do you know if the Ministry of Health has done this work for hospitals and knows?

Mr. David Livingston: I don't know.

M^me^ France Gélinas: You don't know? And were you given targets as to—they were at 70%, and you're to achieve 90% success, on time and on budget?

Mr. David Livingston: I think the government's target with us is clear: They want 100% on time and on budget.

M^me^ France Gélinas: Okay, but we don't know what we were at before?

Mr. David Livingston: I think it's safe to say that we were not there before, but that would be a gross assumption on my part.

M^me^ France Gélinas: And there's been no request on your part to do that kind of analysis to know where we were at before we went to the new procurement method?

Mr. David Livingston: No.

M^me^ France Gélinas: Excluding infrastructure grants to third parties, would you know the percentage of the Ontario capital budget that is to be allocated through AFP versus what I'll call traditional?

Mr. David Livingston: I think I'm not going to answer only because—I could give you an answer based on what I've heard or what I think, but I don't really know. Only the ministry really knows, because we don't see all the capital projects. They go through the process and determine which ones they're going to do and which ones are not going to get done, and they assign them to us. So we kind of hear what the percentage is, but I think it's more of a question for them to answer than us.

M^me^ France Gélinas: Okay. I tried to get information about financing cost and basically was told that this is not—it's commercially sensitive.

Mr. David Livingston: Right.

M^me^ France Gélinas: How about risk transfer premium? I know that you rely on industry experts to estimate the risk transfer premium in determining value for money. So the assumption around the risk premium will ultimately determine if a project will show a positive value for money or not and if you will keep it or not. Is this something you can share with us?

Mr. David Livingston: No, for exactly the same reasons. The price that a bidder will charge us to assume the risk that we want them to take is quite variable. That's very much the essence of the competitive process. To disclose what one will charge versus another is giving away something that is definitely a competitive advantage, so we would put that in the same category as the detailed financing costs.

M^me^ France Gélinas: Okay, how about the expert advice—when the expert gives you advice on risk premium.

Mr. David Livingston: For the same reason that we wouldn't disclose the rate that we assume in the request for the project. It would be the same thing there, because we don't want to give the bidders a floor or give them an indication of something we nominally assume, because we think they would just come to that number.

M^me^ France Gélinas: I'm going nowhere fast here. All right.

Mr. David Livingston: I hope for good reasons. We think the way we do it creates value.

M^me^ France Gélinas: We'll move on to Move Ontario 2020. Can you say how much of the $15.5-million Move Ontario 2020 plan will be allocated through AFP?

Mr. David Livingston: No. I think $17.5 billion is the number, of which two thirds is the province and at least a third, for assumption purposes, is federal. We're going through a process now with Metrolinx and with the respective transit agencies to do an assessment of which project would produce value for money and that process is not complete. So we don't know yet which ones will produce and which ones will not.

M^me^ France Gélinas: In your discussion with Metrolinx, let's say, are you looking at design, build, finance and maintain?

Mr. David Livingston: We're trying to break it into components, so we're looking at least at design, build, finance and we're looking at maintain, but we try and cost them out separately, what the value is for the different components.

M^me^ France Gélinas: Okay, with the idea that—

Mr. David Livingston: That they would have some control over the decision that they make, because in the end, it's going to be for them to decide, not us.

M^me^ France Gélinas: Okay. But there are discussions that would see the maintenance of those lines being included into those projects when they're rolled out?

Mr. David Livingston: At this stage of the game, what we're doing is the assessment, so that when they make a decision as to whether maintenance is in or out, they're making an informed decision. So the decision has not yet been made about what aspects of maintenance, if any, would be in the project.

M^me^ France Gélinas: From what you've told us before, cabinet makes a decision as to which project will be funded, they give it to you and you're the action agent; you roll it out. Did cabinet make a decision to roll this project out to you? Under which authority are you doing this work right now?

Mr. David Livingston: Cabinet has not made a decision that any of the Move Ontario 2020 projects are assigned to us. We are doing this assessment at the invitation of Metrolinx.

M^me^ France Gélinas: But wouldn't that go against your memorandum of understanding that says that it doesn't allow Infrastructure Ontario to undertake work without the minister's instruction?

Mr. David Livingston: What we expect would happen is that once Metrolinx and the Metrolinx board are satisfied with the regional transportation plan and satisfied with what projects they would be prepared to do using AFP, at that point, we would expect that we would get a letter from the government saying, "It is okay for you to go ahead with those projects." There will be a direction at some point; it's just that this is not the time. The government is fully aware that we are doing this assessment with Metrolinx. Once the assessment is finished, then everything will fall into place.

M^me^ France Gélinas: So has your memorandum of understanding been modified to allow you to do work up front?

Mr. David Livingston: As in any memorandum of understanding, there is a sundry duties as assigned clause that basically gives us the ability to provide advice to the minister or provide advice to the government on a wide range of things. So our memorandum of understanding, as it exists, contemplates doing this kind of analysis, because this is not the same as spending billions of dollars. These are assessments.

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M^me^ France Gélinas: Are you saying that the government has asked you to gather that knowledge, or are you gathering this knowledge to feed it to the government? Who is driving who?

Mr. David Livingston: Our client here is Metrolinx. As I said, Metrolinx is the client, Metrolinx is with whom we work, and then, through Metrolinx, with the transit authorities. The government is fully aware of what we're doing, so it's not a secret.

M^me^ France Gélinas: It's just not in your memorandum of understanding either.

Mr. David Livingston: But it is in our memorandum—as I said, the memorandum of understanding is broad enough to contemplate us doing this kind of activity. We don't need a letter for everything.

M^me^ France Gélinas: So you feel that this is within your mandate to do; it's just that you hadn't done it before?

Mr. David Livingston: We've done assessments before. Provincial agencies, provincial bodies, will come to us and ask us whether or not we think there would be value in doing a particular project as an AFP, and we'll do those assessments happily.

M^me^ France Gélinas: What sectors were those other projects in?

Mr. David Livingston: We're doing quite a few right now in training, colleges and universities. That's probably one of the bigger ones today. Transit, transportation; training, colleges and universities. Where else, George?

Interjection.

M^me^ France Gélinas: Okay.

The Chair (Mrs. Julia Munro): Last question.

M^me^ France Gélinas: Last question? How could that be? Well, let's make it a good one. Oh, no.

Mr. David Livingston: Okay, we're good.

M^me^ France Gélinas: I have pages of questions left.

The projects that you manage are complex. Not everybody has the skills or expertise to deliver those kinds of projects. There have been quotes in the papers and, again, economists saying that there is a very low number of bidders for the types of projects that you have responsibility for. What is the average number of eligible bids through your RFP process? Let's take the last five.

Mr. David Livingston: We do an RFQ, a request for qualifications, first. Typically, we will get four or five groups that will want to bid that will qualify, and we typically go with three of whatever that number is, because we think that three is an appropriate number. It's efficient on our side to be able to do the work that needs to be done to get through the process, and from their side it's not too many; they have a reasonable chance of winning, but it's still enough to be competitive.

M^me^ France Gélinas: Has it ever happened that you did not have three bids come in, not for your request for qualifications but your actual RFP?

Mr. David Livingston: It has happened that we've had less than three bids, yes.

M^me^ France Gélinas: Two?

Mr. David Livingston: Yes.

M^me^ France Gélinas: One?

Mr. David Livingston: There was one where we had one.

M^me^ France Gélinas: Okay—

The Chair (Mrs. Julia Munro): I'm sorry, we must move on.

M^me^ France Gélinas: That was my good question.

The Chair (Mrs. Julia Munro): Mr. Flynn.

Mr. Kevin Daniel Flynn: Going back to the market capacity study, prior to that the government had clearly signalled its intention that these projects proceed in a certain sequence. As a result of the information that was found through the market study, it was decided not to alter the sequence but to extend the time frame. Given that as forecasts go out in time, their accuracy diminishes, as a simple rule, with the information you have now, looking at the time frame you're envisioning these projects being started and completed in, how confident are you that the new schedule is a firm schedule?

Mr. David Livingston: We feel quite confident, with the exception that we mentioned. It can often happen that somebody is just not ready, so then we will want to move somebody else into that slot.

Mr. Kevin Daniel Flynn: So to somebody who's at the end of the time frame, if they were prepared to go, that would be seen as an advantage. Obviously the project that can't proceed wouldn't feel good about it.

Mr. David Livingston: To preserve the integrity of the sequence, if somebody can't go, you tend to go down to who's next and who's next. So it's the next one who's ready that you'd try to put into the slot. You wouldn't jump down to the bottom of the list, because if we start to do that, then we're starting to affect the sequence. It more just moves everybody up.

Mr. Kevin Daniel Flynn: So if there's a project that is not ready to go, everybody would benefit from that.

Mr. David Livingston: Potentially. It depends on when they're ready to go.

Mr. Kevin Daniel Flynn: Yes, it depends on where you are on the schedule.

Obviously, you looked at the situation from a macro point of view. When you saw some of the projects that were going to be pushed out into the future, did you get down to the micro level on some of the projects, as far as things such as staging are concerned? I'm thinking about something that didn't have the reliance on the mechanical trades; for example, certain parts of structures—could you build a portion of a hospital that didn't have a heavy component of mechanical trades ahead of the part that's waiting for those trades to presumably finish up another project elsewhere and move in?

Mr. David Livingston: Certain types of projects require mechanical and electrical trades more than others, so the staging already contemplates that a courthouse might follow a hospital. That's the way we accommodate it. We try not to do pieces of projects, because if you do a piece of a project and then you put the project out to tender, you run into coordination issues between that

piece and the ultimate tender. So as much as we possibly can, we try to keep the projects all together.

Mr. Kevin Daniel Flynn: I want your opinion on this, or it could be the opinion of somebody on your staff: Often, when the debate rages about AFP and traditional models of purchasing or procurement, the argument is put forward, and I'm sure it reaches your ears, that AFP is a more expensive way to go. Often, evidence is offered to support that, but my experience has been that that evidence often is lacking something or there's a piece that has been left out. When that argument is made, what most often are the facts that are either not considered as carefully as they should be or are omitted?

Mr. David Livingston: You're 100% right. Inevitably, when the comparisons are made, it's apples to oranges. I would say probably the two things that happen most often are that they're either comparing a project with financing to one without financing—so, often, if you're comparing an original budget to a project and you're comparing it to one of our bids, because our bids include the financing, by definition you've got a mismatch. The second major thing is that it is very easy to take a number—somebody four years ago said that it was going to cost X dollars to build a hospital. Who knows where that number came from? The number that we have in a bid is a firm number, properly costed, properly assessed, properly put on the table. To compare something firm to somebody's guess is a spurious comparison. So I'd say that most often when it happens, it's those two things.

A third one, maybe less often, is that in our bids, where you also have the cost of maintenance and the cost of the life cycle built into it, and you compare that to an original bid, then you're really getting out into the ether. So, if you compare an original bid for a construction that's based on nothing to a response to a tender that includes the design, includes the financing, includes the life cycle, includes the maintenance, there's no comparison.

Mr. Kevin Daniel Flynn: So if you take the political philosophy out of it and you just present a business case to the taxpayers of Ontario, you feel that Infrastructure Ontario can make a very, very strong case that they're getting the best value from AFP.

Mr. David Livingston: Absolutely.

Mr. Kevin Daniel Flynn: When you look at other jurisdictions around the world, obviously there are a variety of models of health care delivery and there are a variety of models of procuring the sites for that or procuring the buildings. When a project is complete, do you keep a finger in the pie, so to speak? Do you take a look at other examples around the world? Obviously, other people are building hospitals under different models. Do you compare yourself against those?

Mr. David Livingston: Different models, but not incredibly different models. Every six months, the various agencies across the country that do what we do—the province of BC has an equivalent to Infrastructure Ontario; Quebec has one as well—meet regularly and discuss our approaches to risk transfer and our approaches to projects. We try and benchmark our projects as much as we can to figure out what works and what doesn't. The UK has been doing this the longest and has done most projects. We have all met and consulted with them. I would say that both formally and informally, we try and gather information about what's happening with a mind to what's going to get us the best deal in Ontario, the best deal defined as being what gets the taxpayers the lowest possible price.

1150

The Chair (Mrs. Julia Munro): I'll just remind you that we're closing in on your time.

Mr. Kevin Daniel Flynn: Just about done?

The Chair (Mrs. Julia Munro): Yes.

Mr. Kevin Daniel Flynn: Okay, very good. This is my final question, then: Are there any examples of jurisdictions that are still building hospitals in what we would refer to as the old way—in similar economies?

Mr. Jim Dougan: There's no one that comes to mind.

Mr. David Livingston: The country that's had the toughest time with all of this is the US, but to compare how a hospital gets built in the US to how it gets built in Canada would be a really tough comparison. Australia would be more typically using our models, certainly most of the rest of Canada; the UK would be similar to this.

Mr. Kevin Daniel Flynn: Anything in Europe? Germany, Spain?

Mr. David Livingston: Again, it's more likely going to be using what they call PFI, private finance initiative.

Mr. Kevin Daniel Flynn: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. Ms. MacLeod?

Ms. Lisa MacLeod: Thanks, Madam Chair, just two follow-ups from the previous two rounds: One is, if you're unprepared to provide us with a briefing on the market capacity study, I would request that at least the executive summary is tabled. The second thing is with respect to these loans. Are public-private partnerships for the loans allowed? For example, would a municipality be able to apply for a loan with a private partner who would repay it?

Mr. David Livingston: The loan program is not a public-private partnership; it's just government money.

Ms. Lisa MacLeod: Okay.

Mr. David Livingston: I'm not sure what the—

Ms. Lisa MacLeod: The question was, could the municipality engage in a public-private partnership whereby they would request the loan and presumably get the loan, but they would be repaid by a private entity?

Mr. David Livingston: But then it wouldn't be—in a public-private partnership, or AFP, in the context that we use, the financing is provided by the private entity, and then they get paid back. If the question is—

Ms. Lisa MacLeod: Let's do it in the reverse, I guess.

Mr. David Livingston: Well, but then it wouldn't be an AFP. I don't know how they'd do it.

Ms. Lisa MacLeod: No. I'm not asking for an AFP. I'm asking if the township of Russell, for example, decided to ask for a loan from Infrastructure Ontario and

received it, could a private entity actually pay that money back?

Mr. David Livingston: But I don't—

Ms. Lisa MacLeod: For example, like a mobile home park.

Mr. David Livingston: The borrower for us, though, is the municipality.

Ms. Lisa MacLeod: I'm a very subtle person, as my colleagues well know.

Mr. David Livingston: How the municipality pays us back, we don't care.

Ms. Lisa MacLeod: Okay, I just wanted to ask that question.

I just want to shift gears a little bit now because we do have a very little bit of time left. We haven't talked at all about the merger between the Ministry of Infrastructure and the Ministry of Energy. Of course, we know energy concerns are very important here in Ontario, and I'm just wondering: What role does Infrastructure Ontario see itself playing in its AFP-type nuclear procurement project? And more specifically, what kind of interaction will there be with officials at the Ontario Power Authority, Ontario Power Generation, Hydro One and the Ministry of Finance, as well as the winning bidder?

Mr. David Livingston: Wow.

Ms. Lisa MacLeod: I saved them up—just before lunch.

Mr. David Livingston: The nuclear procurement project for us is an assigned project the way we get all assigned projects: from the government. What we have done is create a competitive process whereby three nuclear companies, nuclear providers, are bidding to install nuclear reactors at Darlington.

Ms. Lisa MacLeod: Further then to your assigned involvement, to what extent does Infrastructure Ontario, and specifically its nuclear procurement project team, contemplate engaging outside financial, legal or other technical expertise to assist in the negotiations related to, and the long-term management of, this project?

Mr. David Livingston: We have outside advisers, mostly legal, because the documents that we are crafting—we're taking our basic templates and our basic models, but we're trying to adapt them to a nuclear environment that is new to us. We're extensively using outside lawyers. Financiers we don't see using because we don't think financing is going to become part of the deal right now. I'd say mostly it's lawyers.

Ms. Lisa MacLeod: Okay. Just a couple more questions with respect to your assignments and directives from the ministry. Have you received any directive with respect to the degree of Ontario or Canadian content or materials or other aspects for this project?

Mr. David Livingston: We did an assessment of what was expected to be the level of Canadian content with whoever was going to win this bid. Based on that, we developed a criterion that was ultimately approved by the government. It was going to be based 80% to 20%, on what we call LUEC: The cost of the power is 80%, and 20% on the value of the Ontario economy.

Ms. Lisa MacLeod: Finally, has Infrastructure Ontario been assigned any responsibility with respect to the power transmission upgrades required to accommodate this additional generation from Darlington?

Mr. David Livingston: Not specifically. The only involvement we have is in making sure that that's known—what upgrades are going to be required—and if somebody's going to be doing it. But we're not doing it.

Ms. Lisa MacLeod: Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much. We appreciate you being here this morning.

This committee stands recessed until 1:30.

The committee recessed from 1154 to 1333.

The Chair (Mrs. Julia Munro): Good afternoon, ladies and gentlemen, and welcome to the Standing Committee on Government Agencies. We are deliberating on the review of the Ontario Infrastructure Projects Corp., more commonly known as Infrastructure Ontario. We set aside time this afternoon in which to offer various stakeholders and interested parties the opportunity to present with regard to Infrastructure Ontario.

ONTARIO GENERAL CONTRACTORS ASSOCIATION
OTTAWA CONSTRUCTION ASSOCIATION

The Chair (Mrs. Julia Munro): I would like, at this time, to call forward the Ontario General Contractors Association and the Ottawa Construction Association. Please come forward and make yourselves comfortable there in order for us to be able to begin. Welcome to the committee. You will have 30 minutes, during which time you may make a presentation, after which we will divide the remaining time for questions and comments from members of the committee. Please introduce yourselves for the purposes of Hansard. You may begin.

Mr. Clive Thurston: My name is Clive Thurston. I'm president of the Ontario General Contractors Association. I thank you very much for this opportunity to be here today.

We have brought with us comments from a number of the stakeholders that are involved in Infrastructure Ontario, so although I represent the Ontario General Contractors Association, I have been asked by many of the other associations to bring some of their points forward today.

We have a short statement, and after I've given that, Mr. Sharp will have a few things to say, and then we are at your service to answer any questions you like.

Infrastructure is a wide and complex area and it affects every part of our lives. Ontario's taxpayers expect to have access to up-to-date hospitals, clean water, safe disposal of wastes, reliable highways and accessible and public transportation. With the creation of the public infrastructure renewal ministry, our sector achieved the attention that it has so long deserved. As the main economic engine of Ontario today and the largest employment sector in Canada, we have never had a direct voice

to government here in Ontario; PIR was a welcome and refreshing change.

In response to requests from PIR for assistance, the Ontario Association of Architects, Consulting Engineers of Ontario and the Ontario General Contractors Association participated jointly with the PIR staff to assist them and provide advice as they moved forward in developing the infrastructure plan. This later continued with the creation of Infrastructure Ontario and it expanded to include many other associations.

Many of the associations expressed some concern that none of us was officially invited to be here today. We are the people who actually build the infrastructure in Ontario, and I was asked to make that point by the other associations and on behalf of the OGCA. We hope the standing committee will acknowledge this valuable resource and that this type of liaison with industry leaders who have the knowledge and expertise is continued not just with IO, but with all other government agencies and ministries.

The recent efforts of Infrastructure Ontario have focused mainly on the health sector, hospitals in particular. Nevertheless, infrastructure is more than just hospitals or buildings, for what good are such structures if we cannot depend on the roads and bridges to reach them? How can they operate if the water and the waste systems break down or cannot handle the new expansions? It is clear that it's time to balance the efforts on infrastructure to include these two areas. The same effort made to bring the hospital sector up must be equally applied to highways, roads, bridges, transportation, water and waste water.

From the point of view of the general contractors of Ontario, today we have reached a position where we understand the risks, rewards and the consequences of the current Infrastructure Ontario policies and the application of alternate finance projects. However, there are still questions that reach out to the areas where the consultants practise, especially on risk transfer. You will hear from my colleague Mr. Sharp on how the risk transfer is viewed by the subtrades.

Issues are arising due to the method of rollout that has been used up to this point, and a concern over a practice of bundling projects to meet the AFP financial threshold, which, though it has some merit, has the effect of reducing bidders and competition. What's more, it affects small-town Ontario. There are many niche firms throughout Ontario that depend on government work and government projects in their area. If these projects are bundled into one massive project, those companies will go out of business and there will be an economic and social effect on small-town Ontario across this province.

1340

We believe there are a number of underlying fundamentals that we would encourage Infrastructure Ontario to adopt—in particular, supporting new ways of procuring these infrastructure projects. We need to look at new and better ways of obtaining services. One such method is called qualification-based selection of consultants. It is a proven method across North America and in Europe. It will allow for a more cost-effective delivery of projects and for fewer cost overruns.

We need an open and transparent system of accountability. We need to ensure that proper planning of future expenditures ensures that the money flows to infrastructure projects. Recently, a number of associations have attempted to access the financial information and records of the current program. They have not been successful. They have been advised that the new MEI structure is looking at developing a better tracking system for projects. However, even if the data were current only to the previous fiscal year, this would be better than the current state of affairs. It is critical to maintain substantial investment in the infrastructure program. It is equally critical that there is a clear regulatory and contractual framework to ensure the appropriate use of this investment. The planning and rollout of projects in concert with the industry will ensure the realistic setting of project schedules, budgets and provide for an effective managing of these very same items.

There has been much talk in the press and in other areas about capacity. I can tell you that today general contractors do have a serious shortage. We lack experienced and well-trained professionals to staff our sites. The government can be applauded for its recent efforts to address the shortage in the trades, a shortage that actually does not exist today. It will exist in five years. And one of the important things was the announcement yesterday of the trades college, which we applaud and support, yet nothing has been done to address the shortage of professionals in the industry. Those of us in management have not received any funding or support from the government whatsoever to help develop professionals in this industry, and without the project managers, the estimators and superintendents, it doesn't matter how many trades you have because there's nobody to run the job.

We believe that you should remember that risk transfer does not necessarily result in risk reduction. There has been far too much emphasis that nobody wants to take on risk and that they simply pass it down. But the proof is that that doesn't necessarily reduce your risk.

Finally, we believe that infrastructure is essential to our quality of life in Ontario. We cannot take it for granted and we must continue to build on the efforts of the PIR, IO and the industry stakeholders and ensure that we address all sectors of the infrastructure problem. The vast network of transportation systems, water systems, power systems, education and health facilities across Ontario can only be maintained through the continued co-operation of the industry and government. We must work together to address the infrastructure deficit in this province.

After Mr. Sharp's comments, we will be happy to answer any questions you may have.

The Chair (Mrs. Julia Munro): Please continue, then, Mr. Sharp.

Mr. Mike Sharp: Good afternoon, Madam Chair, members of the committee. My name is Mike Sharp and I'm here really in two capacities. I'm chairman of the Ottawa Construction Association, which is an organ-

ization of over 900 members from all parts of the construction community in Ottawa, representing contractors, manufacturers, suppliers and construction professionals. I'm also vice-president of Black and McDonald Ltd., which is a national electrical/mechanical contractor, and we have had some experience with the IO infrastructure, and we've also had some experience with these types of service deliveries in other provinces in Canada. At some times my various hats may confuse you, but I'll attempt to differentiate. I want to thank you for the opportunity to be here. Initially, I was struck by the fact that on the agenda, there was really only one stakeholder or one representative from the industry that's actually going to do the work. I have some specific issues with IO from our members and I'll get to them in a minute here.

Clive talked about communication with the industry, and I think that's very important. Initially, it was our impression that there was very little communication with the trade contractors—the individuals who are actually going to do the work—about capacity, about trades, the timing of the work and so on. I believe that there was communication with some of the larger general contractors, but, no disrespect to them, they'll take on anything. But there was very little communication with the trades about the availability of electricians and so on. I believe that is improving, but I still think that there's more work that can be done in that respect, because as Clive mentioned, the risk—most of the trade contractors view these P3s, or whatever acronym you want to give them, really as a P2. It's between the developer and the owner. Very little changes for the subcontractor, the trade contractor, in these.

The risk profile for us, as trade contractors, is extremely high in finance, build and operate, probably about two times what we would normally see on large projects. You can use all kinds of methods to measure risk, but when a trade contractor views the risk as substantial and outside what they either have the ability to take on or want to take on, then they'll go other places to play. They will go to other provinces, they'll look at other work, but they won't bid these things. So you find that, other than some large subcontractors, by and large it hasn't done much for our industry in Ottawa in terms of delivering the work to the smaller subtrades.

The subguard, which is what the general contractors use to cover the risk for the M and E trades on these IO projects, really has done absolutely nothing for the trade contractors. That's one issue that the trades have.

On the facility maintenance side, we believe that the government, or IO, needs to remove the requirement to keep or use the existing staff or unions when they're talking about the maintenance, whether they take them on or not. As a company that's had experience—we recently had a contract with the Kelowna hospital that's being built. I believe that the BC model more equitably distributes the risk. You might want to take a look at that.

In terms of bid expenses, the IO model causes bid expenses, as far as we're concerned, to be about four times the norm, so there's a heavy investment in these. When you only get, in the norm, as a subcontractor, maybe one out of 10 bids, it's sometimes tough to put the resources into these projects. They do cost a great deal. I believe that what is happening out here is that you're getting a low number of bidders, the qualifications are very strenuous, and it leaves the door open to only one or two bids, which I believe they've experienced recently. In our opinion, that's not a good situation and should be cause for concern.

The benefits: I would say that the jury is still out on the benefits of the delivery of the infrastructure. For our industry, at least, I know that it's early in the game and that everybody is promoting the benefits right now in our province, and there's a lot of hugging and kissing going on right now about the benefits. But if I was a betting man—and I'm really not; I've only been in the Rideau Carleton casino once in my life—I would say that when you get near the end of these, you're going to have the same issues, the same problems, the same claims, the same suits that you do now in any other form of delivery. I think when they start to close, you'll see that happen.

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That really concludes my comments. I know that they're very specific ones, to have the services delivered. I applaud the emphasis on infrastructure spending. I believe it's well overdue. If there's anything our association or our industry of subtrades can do to assist, we would be more than willing to lend any expertise that we have. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much. We have five minutes per caucus left. Mr. Flynn.

Mr. Kevin Daniel Flynn: Thank you for the presentation. I really enjoyed that. We've been talking about these issues all morning. We heard from Infrastructure Ontario this morning. There's agreement that there is a capacity issue, then: Is that true? If we do agree on that, the major cause of that is the lack of skilled trades in certain sectors and the lack of project supervision?

Mr. Clive Thurston: From what I've heard from the union leaders, no, there isn't a huge shortage of trades. We have men available. We're very busy. There's a lot of competition in the industry with OPG and others coming online—schools and everything else. I think what you're seeing is, as Mike says, our contractors consider the risk. The risk on an AFP is, as you say, four or five times greater than bidding other work. Contractors and subcontractors will go where they feel they can make the best return on their money at a fair risk. You don't get a lot of people moving there.

The other problem is that a lot of the AFP projects are in remote areas. It's difficult to get a 40-year-old electrician in Toronto to go up to Sault Ste. Marie—he's not going to leave his family—and there are problems.

It's a bigger problem than just a shortage of trades. There's no doubt that within five to 10 years, we're going to have a dearth of tradespeople, but right now it's more that we can't bid this work. The companies are either too small or they are not prepared to take the risk. As Mike said, you see the larger companies bid. From a general contractor's point of view, that's absolutely true. There

are only eight to 10 GCs in this province that have the capability to take the risk and bid AFPs.

Mr. Kevin Daniel Flynn: There are some people I'm hearing from who are saying that the government is selling or transferring too much risk—and it doesn't have to transfer that—and is paying too much to transfer that risk. What I heard today I think from Mr. Sharp is that he's being asked to accept risk at a higher level than he would prefer to.

Mr. Mike Sharp: Yes, that's correct. As I mentioned, our company has been involved in some of these proposals, but the transfer of risk to us from the lender has been unacceptable, so we have respectfully declined to participate.

Mr. Kevin Daniel Flynn: Okay. I just wanted to go back to the skilled trades and the project supervision. We made an announcement as a government yesterday that I fully support and that I think most people would in the business, and that was the College of Trades, finally, which I think is going to go a long way towards the skilled trades shortage at the end of the day. Project supervision: Where, typically, would somebody receive that type of education and training, and what role would the government play in that? You were calling for an expanded role. I don't know what that role is.

Mr. Clive Thurston: First off, I'd just like to see equal mention instead of always hearing about the trades—with all due respect, Mike. We would like to just get some equal time here.

The colleges are really stepping up to provide programs, but even they tell me that money is only available for them to run trade programs, not management education. We need to approach that. There needs to be a better investment at the college level that recognizes the—

Mr. Kevin Daniel Flynn: So it's a curriculum issue.

Mr. Clive Thurston: It's a curriculum issue.

Mr. Kevin Daniel Flynn: That's something that can be addressed.

Mr. Clive Thurston: Yes, exactly. I think that can be addressed, and I agree with you that the trade college is great. We've had a number of meetings with Minister Milloy, and I think we've got his ear on this.

Mr. Kevin Daniel Flynn: That's good to hear. Just one thing, Mr. Sharp—do I have a little bit of time left?

The Chair (Mrs. Julia Munro): Yes.

Mr. Kevin Daniel Flynn: You said that you expect, at the end of the day, to see that the AFP process will be wrought with the same problems you see in the old, traditional procurement way. Has that been the experience in other jurisdictions that have gone the AFP route?

Mr. Mike Sharp: I think there, again, it's probably too early to—

Mr. Kevin Daniel Flynn: Okay. So this is just a calculated guess, then. There's no evidence to suggest that this is going to happen.

Mr. Mike Sharp: There's no empirical evidence that would suggest that that's going to happen. But contractors being contractors, if more is going out than is coming in, they'll find ways to institute claims and suits and all that lovely stuff. That's just the way we are.

Mr. Kevin Daniel Flynn: As a final question, could you just expand quickly on what you meant by qualification-based selection of consultants?

Mr. Clive Thurston: Qualification-based selection started in the United States; it's now the law in some 40—

Mr. Mike Sharp: Forty-eight.

Mr. Clive Thurston: —48 states for all government to hire consultants. What it means is that when the public body is looking to hire consultants, architects and engineers, it looks at the qualifications first. Price is not an issue; it's never even brought into the equation. They look at the best fit for the project. So companies do their presentations by saying, "Here's how we would build your project." When those proposals come in, the buyer looks at those and says, "This is the best one. Mr. Consultant. What would be the cost of doing this?" It's negotiable.

There's a recent National Guide to Sustainable Municipal Infrastructure which was done by independent people. I recommend you take a look at that; that's got all the information in it.

It works. There's always this fear that if government moves to something other than low bid, taxpayers are going to hammer you. That's false. It's not going to happen today. Why? Well, believe it or not, it's because of people like Holmes on Homes. The public knows: You go lowest common denominator, you get what you pay for, and it's usually not what you want. Quality-based selection allows for the architects and the consultants to think outside the box. If price is an issue, you get standard, cookie cutter, no innovation, nothing. If you go this route, you get innovation, you get new thinking, you get better ways to build, and you get a better price. From a general contractor's point of view, I get better drawings, I get better specifications, I don't have to put in 300 RFIs a month on every job I'm doing to try to clarify what's being done. It works.

The city of London is doing it and they've had huge success with it, but we still find there's huge resistance from government bodies, municipal and provincial, to take a look at this. I urge you, don't be afraid. It works. Go for it. Get Mike Holmes to do an ad for it or something. The public knows; the public no longer believes that low bid works. We have to address that and especially at the consultants' level. They've got to be paid and given the time to properly prepare these drawings and specs. I'm not kidding, on one $50-million job, each contractor during the bid process submitted 300 requests for information, which are clarifications of the drawings and specifications. That's got to tell you that not enough time and effort was made when that job came out for bid.

The Chair (Mrs. Julia Munro): We must move on. Ms. MacLeod.

Ms. Lisa MacLeod: I'm really pleased to have both of you here today. It was actually the official opposition, through my office, that contacted the Ottawa Construc-

tion Association for the great work that you do. I know that you're going to be very valuable here today. I was told through the clerk's office that you were going to invite Mr. Thurston, and I thought that was excellent.

I really appreciated your comments, especially with respect to the infrastructure deficit that we have here in Ontario, and of course, Mr. Sharp, you would know we've got one as well in the city of Ottawa, on our home turf. I'm just wondering, with respect to that, what do you think is the largest infrastructure deficit we've got in the province? Is it with roads and transit systems, or is it with sewer, septic and other water systems?

Mr. Mike Sharp: I think you could almost flip a coin, and it would be 1, 1(a) between the transit systems and the water and waste water treatment facilities. Depending on who you asked, you'd probably get a little different perspective. Certainly, you read about both of those in the paper every day in Ottawa, so as I said, I think both of them are extremely important.

Ms. Lisa MacLeod: How do we go about, then, prioritizing where the funds go and where they're allocated, and do you see a role in Infrastructure Ontario actually putting together that prioritization list? You made a comment, and I think it was actually quite important, so I'm going to repeat it: "IO have focused mainly on the health sector, hospitals in particular. Nevertheless, infrastructure is more than just hospitals or buildings, for what good are such structures if we cannot depend on the roads and bridges to reach them?"

1400

I think that's a very important point. I guess my question would be, do you see Infrastructure Ontario having a greater role?

Mr. Clive Thurston: Absolutely. It was always my understanding that that was PIR's mandate, to deal with all of those issues. And Infrastructure Ontario has told us in the past that they are going to move there; the hospitals were the first priority, and understandably. As somebody who's had wait times to go in for operations, I can agree with that. But the roads and the sewers are falling apart in this province. We've seen what's happened in other provinces: collapsing bridges and things. ORBA, the road builders' association, and another group headed by Andy Manahan have prepared reports and studies showing what has to be done, laying out plans; the Ontario Sewer and Watermain has—I think it's time for Infrastructure Ontario to engage those people as well as they did us and bring them in.

Ms. Lisa MacLeod: Do you think Infrastructure Ontario is—and I don't want to say, "Is it doing a good job?" I want to know, does it work? From your perspective, does it work?

Mr. Clive Thurston: It's—how do I say that? It does work for what it's doing now. It needs to expand and meet its full mandate. It needs to stay out of areas that it doesn't need to go to—municipalities, schools, police stations. They need to concentrate on the three main building blocks of infrastructure, and if they do that, I think they will be successful.

Ms. Lisa MacLeod: So that would be roads, sewers and hospitals?

Mr. Clive Thurston: Hospitals—yes.

Ms. Lisa MacLeod: That's actually very interesting because, when you look at what they do, they essentially don't make any decisions with respect to infrastructure, but they do administer—they administered the MIII program, which did get into all of those other secondary issues, and then, of course, they do offer loans. But there's really no decision-making body within IO, and that's why I was concerned.

I just wanted to switch quickly. First of all, I would like to thank you, Mike, for the work that I know you did for our Algonquin trade school, which was one that I was pleased to sort of lend my voice to a few times. I know that we're all pretty proud of it in Ottawa, that that's moving forward. I'm sure you're aware that I've attended many breakfasts with some of the folks at Algonquin—in fact, even a large one, where we did have a very long discussion with Statistics Canada on the skilled labour shortage that we're to expect.

When we had Infrastructure Ontario in earlier today, you would almost get the impression that we were at the point of shortage right now, when we were talking about a hospital in Oakville, in the Halton area, and they said that we wouldn't be able to have enough workers to do everything that's on the list right now. But there's no shortage. We were led, I believe, to believe that there was a shortage at this point in time, because we can't fulfill, I guess, the projects that are on the docket right now. But I'm listening to you, because Mr. Flynn asked a very important question, I think, with respect to the capacity issue. I think you answered it right on, but I'm just wondering: Could we be building the hospitals on the docket right now with the manpower, or is it about the risk issue?

Mr. Mike Sharp: I'll address the manpower issue. I believe that you can, or you could, build the hospitals on the docket now, and you have to—our industry is a very fluid one. When oil drops to $92 a barrel, you see people—at least we do, in our business as, say, Black and McDonald—returning from Alberta to Newfoundland, people who were electricians in Alberta coming back home to Ottawa. So it's a very fluid type of industry. People move, the guys move around, and they will go, a lot of them, where they can get the big hours and so on. If things start to slow down out west, they'll come back, and they already have started to do that. So I believe that, right now, there is the capacity within the trades to do that. I am concerned that the demographics show that we could face possible skills shortages down the line, but I think there's an effort to mitigate that risk, so to speak, in terms of the colleges and trades, and working with them, and we're trying to do that in Ottawa.

I think that there is the capacity, and if we address the issues that we foresee in five years, then we'll be able to deliver the infrastructure that the province really deserves.

Ms. Lisa MacLeod: Thank you.

The Chair (Mrs. Julia Munro): I'm sorry, we have to move on.

Ms. Lisa MacLeod: Just quickly, Madam Chair. I'm just wondering if, through you, they might be able to provide us with a list, even if it's after this, of other groups that maybe we should have brought in. They did make a comment about that very early on in the presentation that they were the only group that actually is going to be building the infrastructure. I'd just be curious.

The Chair (Mrs. Julia Munro): Okay, thank you. Certainly, we will take that into consideration.

Ms. Lisa MacLeod: Thank you.

M^me^ France Gélinas: Good afternoon and thank you for coming. I represent a northern riding with a lot of rural area that was hit by the forestry shutdown, so we do have electricians, millwrights and all of those people with trade tickets and no jobs. So I'm interested in this issue of risk for the small contractors who, when the ministry used design and build, were able to bid on those local jobs, like the Sudbury Regional Hospital, for example, and do their part—with the new design, build, finance and maintain, then, only the big contractors. Am I reading this right? Would it have panned out differently in the province if we had stayed with the design and build? Would that have helped the smaller independent contractors get jobs?

Mr. Clive Thurston: Well, AFPs and P#s are simply a tool, the same as design-build, on how to deliver a project. We basically don't have an objection to the AFP-P# model, because we do know it works in other areas. The model here is not the same as was developed in other areas, so we're in a learning curve of how to use it and make it work. Design-build can work, yes, but there have been cost overruns in those projects as well previously, though I would put those mostly down to an antiquated system of procurement that the Ministry of Health had at the time. You can't tell people in a hospital that you can't have a change order. That kind of negative, blinder type of policy was what was causing the hospitals to go overboard. It wasn't how we built them, it was because the restrictions had become so great and the ridiculousness—the budgets were five or six years old when the jobs came out for tender, so they were always over budget.

There was a problem with contracts; there's no standardization of contracts. The industry has standardized contracts and we have since worked something out with the Ministry of Health. That would have gone a long way to improving things. Adjustments had to be made because of the finance aspect; there's no question. IO chose to go down a road that redeveloped the system, created their own contracts, and that's their process. We've learned to work with it but the fallout from that is that you are only going to get eight to 10 generals bidding that work and one to two mechanical-electrical—Mike, would that be about right, about two or three only?

Mr. Mike Sharp: Yes, there are not very many and, just to elaborate a bit on what Clive is saying, in my opinion it doesn't matter whether it's design-build, finance-build, operate or whatever you want to call it—the traditional method of fixed-price tendering—if the mechanical and electrical is $35 million, you're down to that many electrical-mechanical contractors.

In our industry, maybe 95% of the contractors are small, family-owned businesses, and for them to take on a job of, say, even $3 million puts the family trust at stake because you can go through $3 million very quickly on a job, and if you have an overrun of 10%, that's $300,000; that's the guy's house. So that's why they don't do it. Ours is obviously a lot larger company, but when you start to get up into $100 million, I'm not too sure that the McDonalds want to bet $10 million on that; in fact, I know they don't, so we don't do it. We go and work at OPG on the design-build there and the restarts and up at the Bruce; we'll go and do other things where there is more acceptance or sharing of the risk profile.

Mr. Clive Thurston: To your specific point, on the bigger contracts you're going to exclude the small contractors.

M^me^ France Gélinas: In your industry, are there standards that exist that allow the smaller contractors to participate in those without having to take a level of risk that is not appropriate to their size?

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Mr. Mike Sharp: Again, if I was an electrical contactor and I wanted to have, say, a local contractor from Sudbury or something like that participate, I'd be trying to pass down the same risk that I'm asked to assume. I'd pass that down to him. If he said no, then I might say, "Okay, I will cover the risk, but you're going to do it for less money than it's going to cost me." So if I make more money, I'll assume more risk. If I make the same amount of money, no, I wouldn't give it to him.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the time that we have available. I appreciate your coming here today.

ONTARIO HOSPITAL ASSOCIATION

The Chair (Mrs. Julia Munro): I'd now like to call upon Mark Rochon, the chair of the board of directors of the Ontario Hospital Association. Good afternoon, and welcome to the committee. I'll just let you know that you have 30 minutes available. You may wish to make some comments, and then the time will be divided amongst the caucus for questions and comments. Whenever you're ready, please begin.

Mr. Mark Rochon: Good afternoon. My name is Mark Rochon, and I am chair of the Ontario Hospital Association's board of directors. I'm also president and chief executive officer of the Toronto Rehabilitation Institute, a rehabilitation research and teaching hospital which, I'm happy to report, is in the early stages of an Infrastructure Ontario-led capital renewal project. The OHA is a voluntary association that represents Ontario's 157 not-for-profit hospital corporations.

As requested, I plan to use my time this afternoon to provide you with the OHA's perspective on Infra-

structure Ontario. But before I begin that portion of my remarks, I will spend a few moments discussing the hospitals' capital environment in Ontario because this will put my comments about Infrastructure Ontario in the appropriate context.

Ontarians take pride in their health care system, and rightly so, but they also have high expectations. They expect to receive the care they need when they need it and they expect that care to be safe. They expect to be treated in modern hospitals built according to design best practices and equipped with the latest medical technology.

In 2002, the Ontario Hospital Association published a report entitled Capital Planning and Investment in Ontario's Hospitals. The first page of that report featured a quote from the Ontario Financial Review Commission. The quote reads: "One of the key roles of government is to build and maintain infrastructure. When infrastructure is still in use past its intended lifespan, or has not been properly maintained, or does not benefit from the introduction of new technologies, that quality of service experienced by the public may well decline." When the OHA report was written, that quote was particularly poignant. In 2003, an expert panel estimated that it would cost approximately $8.4 billion in 2003 dollars to modernize obsolete facilities and equipment and to address demand or volume-based service pressures. This very large amount of money was needed because Ontario's hospitals had an average age of 40 years, with a median age of 37, in an era where the useful lifespan of a hospital is approximately 40 years. By contrast, the average hospital facility in the United States is nine years old. I should note here that the lifespan of a hospital is thought to be approximately 40 years because over that period of time patient volume, advances in technology, occupational health and safety and patient safety best practices typically outstrip and overtake the design practices incorporated into a hospital structure.

There is a large and strong body of evidence-based health care design analysis, specifically nearly 700 studies, most published in international medical journals, that draws a link between the architecture of acute-care hospitals and positive or negative patient outcomes. Their conclusion is that good hospital design promotes better clinical outcomes, increases safety and reduces stress for both patients and staff. For example, installing large pieces of medical technology such as MRI equipment is not always a straightforward proposition in older hospitals that were designed and built with small rooms. The same holds true in operating theatres, where the space required by the technologies that support modern operating techniques can leave the room very crowded. Further, the physical capacity required to support IT infrastructure often does not exist in older facilities, and the retrofitting costs can be quite substantial. In a similar vein, current ergonomic hospital designs and equipment, such as patient-lifting and transferring equipment, are in many cases easier to incorporate in new facilities rather than old. Sound physical environments and occupational health and safety practices are particularly important today as hospitals are focusing in on ensuring that their aging workforce can continue to work effectively and safely.

Finally and topically, new hospital facilities can be built to incorporate infection control best practices. Every year, hospital-acquired infections affect thousands of Ontarians and increase direct and indirect costs to Canadians and Canadian patients by $40 million to $50 million. A recent study showed that in acute care settings, the cost for precautions and management of patients infected with MRSA is $27,000. However, studies have shown that the right physical environment, including single-patient rooms, well-designed ventilation systems and air filters, easy-to-clean, non-porous surface materials and plenty of sinks for washing hands, can and does reduce the spread of infections.

As noted by Richard Van Enk, hospital design expert, private rooms are the most important design element in terms of reducing the spread of infection between patients. For example, requiring patients to share space, including sharing washrooms, increases the risk of infection being spread through air and by contact with hospital furniture and equipment. Indeed, following the outbreak of severe acute respiratory syndrome, SARS, in Toronto in 2003, a study determined that approximately 75% of the SARS cases were acquired in hospitals.

Another example is MRSA, which can within hours contaminate surfaces, such as bedrails, tables and bathroom fixtures. A 2004 study published in the Journal of Hospital Infection showed that the contamination rates of surfaces with MRSA in surgical wards of London teaching hospitals were as high as 74% in spaces occupied by a patient with MRSA.

A number of jurisdictions, including 43 US states and the UK, have moved to increase the number of single-bed rooms in an effort to better manage hospital-acquired infections. Indeed, simply converting existing semi-private rooms to private rooms has in one case led to a 45% reduction in hospital infection rates. However, most facilities in Ontario, particularly older facilities, have a relatively low number of single rooms. In our view, these examples underscore the need for modern facilities that have an appropriate number of single rooms equipped with proper ventilation and other equipment consistent with current evidence-based best practice.

I should note that a peer-reviewed business analysis of a new 300-bed US hospital concluded that including evidence-based upgrades added approximately 5% to the initial construction costs. However, conservative estimates of savings from the design upgrades suggested that the one-time incremental cost could be recaptured in only one year.

In the OHA's view, any go-forward policy adopted by the government or Infrastructure Ontario regarding single-bed rooms should be informed by the facts and evidence regarding their effectiveness in preventing and contributing to the effective management of infectious diseases and promoting quality outcomes for patients.

The elements of sound hospital design were just one part of the equation that existed in 2003. Standardization

of practice was another. The OHA's capital renewal report recommended that architectural principles be standardized across hospital construction projects because doing so would promote the adoption of best practices and ensure that identified efficiency measures are incorporated in every design. The government of Ontario has moved strongly in this direction with the creation of generic output specifications, or GOS. We understand that the release of these guidelines is imminent, a development that we welcome.

The most important challenge that we faced in 2003 was the fact that the funding model for hospital capital renewal was broken. As I mentioned a moment ago, Ontario's hospital sector faced an $8.4-billion capital renewal deficit at that time. However, very few projects were being undertaken. Under traditional financing models, hospital construction could only proceed when the government had all the funding required for the project up front. This caused hospital construction and upgrades to be delayed for long periods of time or not to be started at all.

In an effort to jump-start hospital renewal, the OHA called for the government to begin viewing hospital capital spending as a strategic investment in the health care system and to adopt a range of progressive financing models, including debt instruments such as bond issues, municipal levies and alternate financing models, to raise the funds for needed capital improvements. Those were, briefly, the challenges that the hospital sector faced only five years ago.

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The government began to respond to the challenge in May 2005, with the launch of its ReNew Ontario capital renewal strategy. Key features of the strategy included a $5-billion investment in hospital capital renewal over five years, the introduction of the AFP model and the creation of dedicated project management, known as Infrastructure Ontario. Obviously, the $5-billion government investment in hospital capital was welcomed by a sector facing over $8 billion in capital needs. Further, the introduction of the AFP model broke the logjam of pending hospital projects by allowing hospitals and the government to leverage the financing power of the private sector to fund hospital capital renewal, while retaining title and deed to the finished hospital building.

I should note here that the OHA was from the beginning, and remains, a strong supporter of the AFP model because it is getting results for hospitals and the patients in the communities they serve. In the three years since the introduction of the AFP model, 21 hospital projects have begun while 15 others are in their preliminary phases. This contrasts very favourably with the three-year period prior to 2005, when only a handful of major hospital construction projects were undertaken.

I should also mention that the government adjusted its local-share policy, reducing to 10% the share of project funding that a hospital and its community had to raise on their own in order for most projects to begin. In the past, the size of these shares ranged from 20% to 50%, depending on the project. The government also now covers 100% of eligible construction costs for long-term mental health programs transferring from former provincial psychiatric hospitals. These changes were warmly welcomed by the OHA and the hospital sector. But of high importance, in our view, was the creation of Infrastructure Ontario, and I'll dedicate the balance of my remarks to it.

In our 2003 capital renewal report, the OHA observed that existing hospital capital renewal processes lacked accountability for decisions and outcomes, and that this was not a positive situation. There were simply too many actors in the capital construction process and not enough coordination. The government of Ontario responded by creating Infrastructure Ontario in 2005. The formation of an agency with finance and project coordination and management expertise, and the appointments of Tony Ross as board chair and David Livingston as president and CEO, were welcomed by the OHA.

Since 2005, the OHA and Infrastructure Ontario have developed a strong and very productive partnership. In my role as OHA chair and as a hospital CEO, I have seen how open, accessible and responsive Infrastructure Ontario staff is. This observation is echoed by the hospital officials whose opinions I canvassed when preparing this presentation. Without exception, hospitals reported that they found Infrastructure Ontario staff to be first-rate, very responsive, effective and respectful of hospital priorities and requirements, and willing to consider innovative approaches to various issues.

I mentioned Infrastructure Ontario's project management responsibilities a moment ago. Hospitals commented positively regarding Infrastructure Ontario's focus on making projects happen, citing their strong performance at assembling the requisite resources, providing excellent leadership and advice—legal, process fairness and other general advice—through the selection, procurement and negotiation phases of projects and working aggressively toward critical milestones.

One CEO noted that "the IO process had led to a much more rigorous, disciplined and industry-standard process for hospital procurement and transaction management." Other positive observations were that Infrastructure Ontario has greatly strengthened its second-generation processes and documents. This should come as no surprise, as experience inevitably reveals better ways of doing things. But what is important, in our view, is that Infrastructure Ontario quickly took their key learnings from their first-generation processes and applied them to the next, which illustrates their commitment to quality improvement. Hospitals also cited the orientation to Infrastructure Ontario processes provided to the hospital project team and board as an area of strength.

In terms of where Infrastructure Ontario could improve, we have no significant observations beyond saying that we believe that the generic output specification document should be released as soon as possible in order to help hospitals develop their design plans on a consistent basis, in terms of environmental design, energy conservation, equipment selection and costing.

Madam Chair, I would now sum up my comments in this way: The government's capital renewal strategy, of which Infrastructure Ontario is such an important part, is allowing new hospitals, the kind of hospitals Ontarians expect to be treated in, to be built on time, on budget, while retaining full public ownership of the facility. The Ontario Hospital Association supports both the capital strategy and Infrastructure Ontario because both are delivering good value to the taxpayer and creating the environment for better-quality patient care.

Thank you for your time this afternoon. I'd be pleased to answer any questions.

The Chair (Mrs. Julia Munro): Thank you very much. Once again, we have five minutes per caucus. We'll begin with Ms. MacLeod.

Ms. Lisa MacLeod: I appreciate you coming in. I have a few questions for you. In your estimation, how many of the hospitals in Ontario today require a retrofit because they've moved beyond that 40-year lifespan that you were talking about?

Mr. Mark Rochon: I can't tell you the exact number of hospitals. I can get you the answer to that. But the value is about $8.4 billion, in 2003 terms.

Ms. Lisa MacLeod: So of that $8.4 billion, then, the province has invested $5 billion, or it's above and beyond that $5 billion?

Mr. Mark Rochon: It's $5 billion toward solving the $8.4-billion problem.

Ms. Lisa MacLeod: I just want to talk briefly about architecture, because we have a really great success story in the city of Ottawa called the Royal Ottawa Hospital, which was originally a public-private partnership. It was delayed after 2000 through the change of office. I assume it was part of this Infrastructure Ontario plan, when it was actually built. It's a beautiful hospital. I can't say enough about it. I'm just wondering if you're aware of the Royal Ottawa Hospital.

Mr. Mark Rochon: I'm aware of the hospital. I haven't visited the new facility.

Ms. Lisa MacLeod: And you're aware of the process they went through to build that new hospital and the improved architecture there—because of course the hospital, previous to the private-public partnership brought in by former Premiers Harris and Eves, was an old, old hospital that had exceeded its lifespan, wasn't exactly a hospital where you'd want to send any member of your family. But this new, state-of-the-art facility is a result of all of that work.

I just wanted to talk briefly about a few of the hospitals on the current project status list provided by Infrastructure Ontario. I noticed that there are two from my community: the Montfort Hospital and the Ottawa Hospital Cancer Centre. I'm wondering if you're aware of the time frames on when those are to be completed as well as the associated costs. Are they on budget?

Mr. Mark Rochon: I can't give you specifics on those projects; I can on my project, Toronto Rehab. My understanding relative to the Montfort is that it is under construction, but I can't tell you exactly when they're expected to complete that project. I do believe that information is available on the IO website.

Ms. Lisa MacLeod: Just two other hospitals, then. I've just received word from one of my colleagues who is concerned about West Lincoln Memorial in Grimsby. MPP Tim Hudak is very concerned that that has been delayed after the election. He had been expecting that that hospital would be receiving more assistance—and I see on this list it is "pre-tender." There's another hospital that we were talking about with respect to St. Catharines, the Niagara Health System. I understand that you may not have the exact information on each of these, but I think it's very important that when a project or a hospital is on the list from Infrastructure Ontario, we move along in getting these hospitals built.

I'm wondering what role the Ontario Health Association has in making sure those on this approved project list move thoroughly through the system so that either hospitals are expanded or they are being built on time, on budget, to assist communities.

Mr. Mark Rochon: One of the things that we do, as the representative of hospitals in Ontario, is meet with Infrastructure Ontario to make sure that the relationships between IO and the hospitals that are in the planning phase, and eventually the procurement phase and eventually the construction phase, are working together as a team. I can tell you from first-hand experience that the relationship between Infrastructure Ontario and hospitals is extremely positive. They work in partnership, in a collegial manner, and we try to solve problems together. I have great respect for what they've been able to accomplish.

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The OHA's job is to make sure that where hospitals do have some issues, we try to determine whether those issues are system-wide or only related to that one specific institution. Particularly, if they're system-wide issues, we will raise those matters with David Livingston and the staff of IO. I can also tell you that, to date, Infrastructure Ontario has been very open to meeting with us and hearing what we have to say.

Ms. Lisa MacLeod: Okay. Do I have time?

The Chair (Mrs. Julia Munro): That's it. Thank you very much. Ms. Gélinas.

M^me^ France Gélinas: It's nice to see you again.

Mr. Mark Rochon: Nice to see you.

M^me^ France Gélinas: You've been in the business for a long time, and so have I.

I was interested in what you said, the description of Infrastructure Ontario. There sure is a lot of capability within that group and it has helped hospitals a whole lot. I was curious as to how come you didn't talk about the maintenance part. Hospitals will now have this relationship with this consortium for 25 to 30 years, in a lot of cases. Are your members apprehensive looking forward? How is this?

Mr. Mark Rochon: As you know, there are two models: the design, build and finance, and the design, build, finance and maintain. In the design, build, finance

and maintain model, in any relationship, of course, people have issues that they need to establish and make sure are properly captured in agreements and so forth. But our members are so delighted with the prospect of moving forward with new development for their communities that any concerns they would have would be far outweighed by moving forward with these projects.

M^me^ France Gélinas: They've waited a long time for those hospitals.

Mr. Mark Rochon: They've waited a long time, yes.

M^me^ France Gélinas: When we had the executive director and chair of Infrastructure Ontario with us this morning, they certainly made a point of saying that one of the reasons they're able to deliver on time and on budget is that they really make the process—he said that they use bureaucracy well—of scope changes to the project really difficult and onerous, so that the hospital really has to think this through a whole lot. It is the case in my community in Sudbury, where we're looking at ALC clients, thinking, "When the hospital is built, where are we going to put those 150 people who are presently in hospital?"

So I was wondering, is my community the only community that has a really hard time getting Infrastructure Ontario to realize that there has to be a change in the scope of the project as the project unrolls?

Mr. Mark Rochon: The scope of the project in terms of capacity is really an issue that's between the hospital and the Ministry of Health and Long-Term Care. The question of scope, the size of the hospital and the breadth of the clinical programs within the hospital is something that the hospital and the Ministry of Health have to come to an agreement on and then translate that agreement into a design and a plan that Infrastructure Ontario would then execute. We would not be negotiating with Infrastructure Ontario on whether or not a particular service would be offered in a hospital. That's clearly in the realm of the Ministry of Health.

M^me^ France Gélinas: Okay, because Infrastructure Ontario certainly made the point that they are able to deliver on time and on budget because the scope of the project doesn't change. The reason why the old way of doing things was often delayed and cost-overrun was because as you went through those projects, you realized that best practices had changed, and you now wanted more individual single rooms rather than double. That was the reason why, in the old days, there were delays and cost overruns. But now, because they are so rigid in making those changes, that balanced it out.

Mr. Mark Rochon: I would put it a different way. I would suggest that what Infrastructure Ontario brings to the table is a requirement for organizations to think through, up front, what they want the building to do. Once they begin the process of procuring and then building, that time frame is so short, really—we're building several hundred thousand square feet in about 20 months, in terms of the construction-build side of it—and you don't have time for change, quite frankly. Hopefully the design that you've incorporated is flexible enough to allow for modifications in the long run, because these buildings are going to be with us for 40 years.

M^me^ France Gélinas: So far, of the 21 projects that have begun, none have brought to your association the issue of being a little bit leery of having to deal with that consortium through the life of the project, 30 years? You know for yourself that lots of changes happen in a hospital in 30 years.

Mr. Mark Rochon: Absolutely.

M^me^ France Gélinas: And they're stuck having to deal with that one contractor, stuck with their prices as well.

Mr. Mark Rochon: That has not been an issue that's been raised with us as anything of significance.

M^me^ France Gélinas: Do you see it as an issue for your own hospital, that in 30 years from now you'll be—

Mr. Mark Rochon: No; our project is a design, build, finance; it's not a design, build, finance, maintain. You always have to be worrying about the extent to which your building is designed for the future, and things will change. Part of our building, for example, was built 45 years ago as an acute-care facility. It's not designed for its current use. That's why we're in the middle of this. It's going to replace another building. I mentioned in my remarks the need for proper ergonomic design to protect the safety of patients and staff. We could not install ceiling lifts because the ceiling couldn't support the structure of the lifts.

The Chair (Mrs. Julia Munro): Thank you very much. We must move on. Mr. Flynn.

Mr. Kevin Daniel Flynn: Thank you, Mark. Thanks for attending from the beautiful town of Oakville today. It's a pleasure to have you here.

We've heard interesting and varied opinions on the advantages of using the new AFP system. I'm just thinking that a person in your position, both with the rehab hospital and with the OHA, must keep your finger on the pulse of this type of thing around the world. I asked IO this morning if they could point to any examples of other jurisdictions that are similar to our economy here that are in the process of building hospitals and that do it in a way that's substantially different from the AFP program, and if there's any evidence to prove that there's a better system than the AFP program. Infrastructure Ontario really couldn't come up with anything. The idea isn't to put you on either side of this debate, because it soon degenerates into a black hats, white hats thing. I think if you ask the average Ontarian, what they want is the highest-quality hospital built at the lowest cost possible, at the end of the day. I'm just wondering if you know of any other jurisdiction—we were talking about other provinces, about the States, about Europe, about the UK—that's been in it for some time. Is there any example you can think of for this committee that is something we should be looking at?

Mr. Mark Rochon: Nothing comes to mind as an alternative to what we're doing now. I think that if we had turned the clock back and we were having this debate pre-Infrastructure Ontario, what we would be saying is

that there are some lessons that we can learn in the UK and in those jurisdictions to move to an AFP-like approach. In other jurisdictions, for example, south of the border, their system is so different, and the way in which they reimburse hospitals for capital is so different because it's built in to the annual reimbursement for facilities, that there really isn't a reasonable comparator or an example that I could say to you, "Yes, we think that would work better." One of the things that I find good about the approach we're on is, as we learn from our experience, Infrastructure Ontario is open to changing its approach and its processes. They're very clear that they're not about to change scope, to get back to your question, but the way in which they come at this project has changed, and I think that's a very positive thing.

Mr. Kevin Daniel Flynn: So there isn't anybody that comes to mind, any other jurisdiction that is doing it the old way, prior to P#s and prior to AFP?

Mr. Mark Rochon: There are still jurisdictions, I suspect, in Canada that are on sort of a grants-based approach. We could go back and get you the specific provinces that are going down that path.

But the need to get on with it and the need to come up with ways in which to finance these projects in an affordable fashion lead us to the conclusion that this is a reasonable approach and path we're on. Under the old rules, you had to have the money locked up in budget estimates as a specific annual expenditure or you couldn't move forward. The Ministry of Health at one point was trying to manage construction projects on $250 million a year. They couldn't do it. That fact led to the circumstance where we have a capital deficit in Ontario of about $8.4 billion.

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Mr. Kevin Daniel Flynn: If we went back to the old way of doing things, would we build any hospitals at all, in your opinion?

Mr. Mark Rochon: This all comes down to money, right? Part of the issue is, how would you pay for it? To me, with this kind of money at risk, I would argue that the way you mitigate the risk is to have this kind of structure and these kinds of processes to transfer as much risk as you can to the organizations that are building these facilities.

Mr. Kevin Daniel Flynn: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the time that we have available. I appreciate you coming here today.

Mr. Mark Rochon: Thank you for allowing us.

ONTARIO HEALTH COALITION

The Chair (Mrs. Julia Munro): I'd now like to call Natalie Mehra of the Ontario Health Coalition forward. Good afternoon. Do make yourself comfortable. As you would know from the previous presenters, we have 30 minutes allocated, and you may use that time to make some remarks, after which we will take the remaining time for questions and comments from the members.

Ms. Natalie Mehra: Thank you. My name is Natalie Mehra. I'm the director of the Ontario Health Coalition. Our organization represents more than 400 organizations. We're the broadest public interest group on health care in Ontario, with 78 local health coalitions operating in many of your constituencies. Our chief mandate is to protect and extend a quality public health system under the principles of the Canada Health Act. Our chief concern about Infrastructure Ontario is actually the lack of accountability and the performance of the P3 projects to date in Ontario.

I just want to clarify, because there are two models of P3s that are being used: the design-build models and then the design, build, finance and what you're calling "maintain," but really "operate," models—so the large models that are 30 years long, approximately 20 to 30 years, that include some privatization of services bundled into the design or build and finance of the hospitals. Those models are our chief concern. I'll just clarify that my comments are mainly about those particular models, although I think we still have concerns that the design-build models may be unnecessarily expensive and lead to competing demands on scarce resources. But really, our chief concerns are with the larger, 30-year contracts.

I guess our primary concern about Infrastructure Ontario would be the governance, or the lack of public interest protections in the governance of Infrastructure Ontario and in the management of the projects that have happened to date. The whole board of Infrastructure Ontario is taken from the industries that benefit from the P3 model, particularly, and there really aren't independent public interest voices that are not connected to the industries that benefit greatly from the P3 approach on that board of directors. There's no legislation—there's no P3 legislation that was brought in in Ontario at all to guard the public interest. There are no teeth to guard public accountability, transparency or access to information, stopping of cost overruns, accurate public reporting or any of those things in any of the legislation that does exist.

The Ontario Infrastructure Projects Corporation Act, 2006, which was set up to set up Infrastructure Ontario, doesn't actually have any provisions that would ensure that the kinds of excesses we've seen in the projects to date could be stopped. There's no statutory or legal framework for P3s. There's been no debate in the Legislature about this program. There have been no public hearings. The only "public consultation" was by invitation only, done by the Ministry of Infrastructure Renewal, in which 90 out of 100 participants came from the industries that benefit from P3s themselves, in which all the questions were about how to do P3s, not whether or not to do P3s. Other than that, there's been no proper process. So we have deep concerns about the process, and we think the process, actually, has led to some of the problems we're seeing today.

I have to say that these are not points that I'm making lightly. I don't think I have personally ever seen another government program covering this much money that had so little public accountability or public interest protec-

tion. I have never seen a program with so much secrecy, and every reasonable question that we have asked either had an inadequate answer or we've been refused an answer or we've been given just a straight PR line that escapes or evades answering.

For example, we asked David Livingston, who is a very nice man and pleasant and so on, what the average cost overruns were in former projects. Much has been made of cost overruns in Thunder Bay and Sudbury—but curious: "What are the cost overruns?" For instance, in the UK the auditor has a report showing 10 years of history of public procurement, what the average cost overruns were, what the average cost overruns are in the P3s, and can compare the two. We asked David Livingston, "Where is that analysis in Ontario? What were the cost overruns?" He said that they don't have that information. He said they would love to have that information but they don't have that information. Without that information, how is it possible to calculate the risk that's being transferred? In a hospital project, the highest risk period is the construction period for cost overruns and delays and so on. How can you calculate what risk you're transferring to the private sector in a P3 deal if you don't know what the cost overruns were in the previous public projects?

We asked David Caplan, "Why no consultations? Why, in the only consultation process that was created, were there no public improvements and public procurement options created? The legislation that sets out the mandate of Infrastructure Ontario allows for Infrastructure Ontario actually to be treated as a kind of centre for excellence and procurement that could provide a project management expertise, that could provide the support that local communities need when their or local hospital boards need when they are mounting these giant infrastructure projects that they're not used to. It doesn't actually require a P3 approach. So why is it that the only approach that has been considered seriously has been a P3 approach, an approach that is highly controversial and has led to well-documented, significant problems in the UK, where the world's largest experiment is happening?" We couldn't get an answer on that.

We were told that cabinet was brought either by Infrastructure Ontario or by the industry lobbyists or by the MPIR to Thunder Bay to look at the hospital project there. I wonder: Was cabinet brought to Peterborough to look at the public hospital project that was built there, because at the same time as the government commissioned the Brampton P3 hospital, which suffered from significant cost overruns—the initial projected cost was $350 million. By the end of the construction, the capital costs were $650 million, the equipment costs had trebled, the local fundraising total had trebled during that time. The whole deal, including services, was $2.6 billion on a hospital that ended up smaller than it was originally projected to be. It was originally projected to house 608 beds. It now has 479 beds in it. A whole building was axed in the middle of the tendering process, medical/surgical beds were removed, all the complex continuing care beds are no longer in the project, the ambulatory care's base has shrunk in order to contain costs. Now Brampton patients are being told that if they need a complex continuing care bed, they need to go to Orangeville to get those services, partly as a result of the exorbitant costs of their hospital.

At the same time as that hospital was being built using the P3 method, the hospital in Peterborough was being built. It was the last public hospital being built using the public procurement method. These are not my figures; these are the government's figures. These are the cost comparisons between the two. The Peterborough hospital was started within a year of the Brampton hospital. The final construction costs for the Brampton project, $650 million; Peterborough hospital, $197 million. Total costs, including equipment: $900 million in the William Osler Health Centre; $286 million in the Peterborough hospital. Number of beds on opening: in the Peterborough hospital, 400; in the William Osler Health Centre, 479 beds. Total bed capacity: 608 in Brampton; 494 in Peterborough. So the question is, how can you build a hospital that has capacity for 100 more beds at double the price of a public hospital? How is it that a hospital with a 500-bed capacity costs $200 million and a hospital with a 600-bed capacity costs $650 million? How does that happen? Nobody in this government has been able to answer that question.

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Where's the 10-year plan that was supposed to have the priorities and timelines for each of the parts of infrastructure? What happened to that? Where's the evaluation of the Brampton P3 hospital and the Royal Ottawa P3 hospital, which were claimed to be pilot projects at the beginning? And why is it that the Peterborough hospital is so much cheaper than the P3 hospitals? I gave you the comparison with Brampton. If you want to look at the new set of P3 hospitals, we can look at North Bay. North Bay hospital has a total bed capacity of 388 beds; it's being built for $551 million. Peterborough hospital has 494 beds; it's being built for $197 million. Why is the North Bay hospital, which is a smaller-sized hospital than the Peterborough hospital, almost double the price?

In the Brampton P3, the former director of the Office of the Auditor General of Canada, Lewis Auerbach, did an evaluation of the value-for-money report, which in the Brampton P3 looks like this: It's hundreds of pages, it's detailed, it's by Deloitte and Touche. In that report, he found that on a hospital that was planned to cost $350 million, $430 million had been signed away in the contract for profits, for management fees and for higher interest than would be at a public bond issue rate, for example. That's $430 million on a hospital that was supposed to cost, in total, $350 million in the first place.

When you look for the value-for-money audits of all of the P3 hospitals that have come under Infrastructure Ontario, what you get is something that looks like this, by PricewaterhouseCoopers. The caution letter at the beginning of the value-for-money audit says, "We did not audit or attempt to independently verify the accuracy or completeness of the information or assumptions under-

lying the information here"—which they were provided by Infrastructure Ontario—"and/or the successful proponent's final offer, nor have we audited or reviewed the successful proponent's financial model." What that means is that none of the assumptions to come up with a public sector comparator, neither Infrastructure Ontario's figures nor the figures in the final bid, have been audited in these value-for-money audits.

If information has been given to cabinet that these deals have been subject to a proper value-for-money, if this is the only value-for-money that exists, they have not been subject to a proper value-for-money. This wouldn't pass a test with any auditor anywhere. There is really non-existent value-for-money on all of the remaining projects, yet all of them have seen significant cost overruns. The North Bay hospital, for example, a 20-something-year P3 project, was projected to cost $218 million, I believe, at the outset of the tender process, in 2005. By the end of the tender process—which was late, by the way, not on time at all—in 2007, it was $551 million. That's capital costs. Total costs for that project were $1.05 billion.

The Sault Ste. Marie hospital, one of the other large P3 projects, was projected to cost $200 million. By the end of the tender, by the end of the RFP, it was $408 million. We don't have a disclosed full cost if you include the privatization of the services and all the interest, but that's capital costs alone. All of those hospitals have at least doubled, so every P3 hospital done under Infrastructure Ontario for which there are any figures available, the costs have at least doubled in those hospitals.

The claims that risk has been transferred for cost overruns or for the projects being late or beyond time simply don't hold water. Both the North Bay project and the Sarnia project were significantly late. The tender process was held up at the request of the consortia that were bidding, and the same thing has happened in St. Catharines, so all of the large P3 projects that are in process are not on time, nor are they on budget.

The scope of the deals exceeds what has been publicly announced by the government and what is implied by using DBFM—design, build, finance, maintain—as the language of the model. In fact, there is a directive from the Ministry of Health to the hospitals. This is the only thing preventing full-scale privatization in the P3 hospitals. I would warn you that if another government came into office that didn't believe, for example, in public, non-profit hospitals, these deals are open to being transferred totally, almost, into private hands. But what they allow is not only hard facility management but also lifecycle maintenance services, also a list of soft facility management services throughout the lifetime of those projects. For the St. Catharines project on, it looks like they're 30-year. So it's not just shell or hard facility maintenance.

Finally, the secrecy surrounding these projects is astonishing. We're talking now, for the first large P3 projects, the first four of them, over $4 billion or $5 billion in public money that's going to these projects, and yet there has been no proper public disclosure. Even after the Premier announced that there would be public disclosure of the deals, the government has not been able to leverage public disclosure of the deals. The new project agreements, such as this one for North Bay, contain clauses in them that say that disclosure is subject to the agreement of the consortium, so the consortium has to agree before the documentation is revealed. In this case and in all cases since the North Bay hospital, there's actually less information available than there was about the first two P3s, the Brampton P3 and the Royal Ottawa P3 project. It took us four years in court just to get the value-for-money audit of the Brampton P3 project revealed publicly. That is simply an unacceptable lack of accountability about the use of billions of dollars of public funds. It's not in the public interest that this amount of money be spent without public scrutiny, especially given the closeness of relationships in Infrastructure Ontario and the Ministry of Public Infrastructure Renewal and the industries that all benefit from these projects.

I guess I want to end with a warning that this looks a lot like the kinds of relationships and the kinds of money that ultimately led to the sponsorship scandal. What you have here is the set-up for a scandal. Ultimately, there's a lot of money being spent here that would make sponsorship look like small potatoes, frankly. What we would recommend now is a moratorium on P3s. You have a good set of principles, the government has a good set of principles: that the public interest is paramount, that value for money must be demonstrable, that appropriate public control and ownership must be preserved, that accountability must be preserved, that all processes must be transparent. None of those are actually being followed, but they're good principles. Assert those principles, get a grip on the actual spending that is happening in these hospitals, set up a legislative framework and revisit the question of whether or not P3 privatization is, in fact, the way to go. Thank you.

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The Chair (Mrs. Julia Munro): Thank you. We'll begin our questions with Ms. Gélinas.

M^me^ France Gélinas: How long do we have?

The Chair (Mrs. Julia Munro): You have about three or four minutes.

M^me^ France Gélinas: Thank you so much, Ms. Mehra, for a very good presentation. I can tell you that this morning we had Infrastructure Ontario in here, and I tried to get them to associate accountability with being transparent. It was a little bit surprising to me because the chair opened up their part of the presentation by saying that they understand that they're in charge of a lot of money, that hospitals are something that is very dear to people's hearts and that transparency is the key to strong accountability. But then I started to ask, "Could you give us information about the value for money?" and they said, "No." "Can you give us information about the financing of the project?" and they said, "No." There was no transparency, and I understand that your organization came away with the same block.

Could you take us through what your agency went through to finally have information on the Brampton one, just so that, for the record, people know how unaccountable Infrastructure Ontario has been?

Ms. Natalie Mehra: We fought in court for four years to get disclosure on the Brampton deal. What we got in the end was the value-for-money, the project agreement, the direct lenders' agreement—some of the information still is not publicly released. On the remaining deals, on the North Bay deal, for instance, we asked Infrastructure Ontario and the Ministry of Public Infrastructure Renewal if there was anything beyond these value-for-money assessments, which don't actually test any of the numbers. We were told that they were summaries. I asked the Ministry of Public Infrastructure Renewal for a release of the full version of the value-for-money. I was told that they couldn't be released.

There's information in Project Finance Magazine about the plenary group—about an off-shore arrangement that allows one of the consortia to evade actually paying taxes as part of the deal. I asked for information on that; I was told that that information couldn't be made available publicly.

So we asked for release of the North Bay information. What we got was a project agreement here. It's 695 pages or so. Every piece of financial information is blacked out. Even the names of the companies and their relationships are blacked out. All of the schedules are missing, the direct lenders' agreement is missing, there is no proper value-for-money—there's no disclosure except for the basic template project agreement. That's it.

M^me^ France Gélinas: At the end of the day, an Infrastructure Ontario official this morning led us to believe that we have to take a leap of faith, we have to trust that the value-for-money is there because they are the experts, they know what they're doing and we should trust them: The value-for-money is there, and they're investing public tax dollars in a wise way. I want disclosure so that I can come to my own conclusions. We have tried; we have done requests for information. I got the same as you: 300 pages of black. I'm sure it cost them a fortune in ink because everything was black except for the page number. I got nothing. You had to go through court to get a little bit of information.

As long as we don't have disclosure, as long as we don't have an independent set of eyes looking at those deals to assure the public of Ontario that their tax dollars are being well spent, we open the door to lack of accountability. This is something that our party cannot agree to.

Ms. Natalie Mehra: Sure. You know, this has been an ongoing scandal in the UK, where they have 10 years' advanced experience on us with this project. I believe that in Scotland now, they're looking at legislation to force disclosure on the deals. But nonetheless, if part of the cost of privatizing the infrastructure is that there is no longer any public accountability for it, then perhaps it's not the most appropriate method to use for public procurement.

The Chair (Mrs. Julia Munro): Thank you very much. We'll move on to Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you very much. I'm certainly very interested in some of the numbers that you have put forward. I'm a past chair of a hospital alliance in my riding, and so as the chair of a board that was responsible for two hospitals that were built under the old system, one of the things that happened a lot was the cost of maintenance of the building. Windows had to be replaced, roofs had to be redone, paint, walls cracked, that sort of thing—at that time, it always kind of reminded me, in many ways, of trying to build a house, because if you have a system where you're just going for the cost, the cheapest contractor is going to get the bid and the job, and you'll end up with 15-year shingles instead of the 40-year shingles, and you'll get windows that won't last.

I look at the numbers that you've given here. There's such a spread in the numbers that I have to wonder: Did you, in your calculations of the Peterborough hospital, take into account—because in the other hospital numbers, there isn't a maintenance factor in there; there is an operating cost. Did you take into account anything in there? You talk about construction costs, but what calculations—I'd like to know a little bit more about what expertise you have behind these numbers. If I look at Peterborough hospital and I look at it from my experience with a hospital under the old system, and I look at what it cost us over 30 years to keep that hospital in running condition, I think my constituents probably still paid more in the long run under the old system than they would have if we had had a maintenance contract with this.

Ms. Natalie Mehra: Sure. So to answer your question, the numbers are numbers that have been released by the government, so they're your numbers. They're the government's numbers. For the Peterborough hospital, the capital cost—that means no maintenance contract, just the capital cost—is $197 million. That's for the 494-bed hospital capacity. For the Brampton hospital, it's $650 million—capital cost alone; nothing else in there. For the North Bay General Hospital—

Mrs. Maria Van Bommel: Is that capital cost or is that maintenance?

Ms. Natalie Mehra: That's capital cost.

Mrs. Maria Van Bommel: My understanding is that that's the cost.

Ms. Natalie Mehra: I'll give you the maintenance—Brampton: $650 million capital costs. You add in the equipment and it becomes $900 million. You add in the service contract and the interest, and it becomes $2.6 billion. That's the Brampton P3 deal. The total deal is a $2.6-billion deal, at least.

The North Bay hospital: The capital costs are $551 million. Add in the services and the interest, and it's a $1.05-billion deal. Those are figures that were leaked from the hospital itself, from correspondence between the hospital and the ministry.

The Peterborough hospital, figures released by Jeff Leal, government MPP for Peterborough: The total cost

was $197 million in capital costs alone, and including the equipment, $286 million. So for a hospital that has approximately a 500-bed capacity, it's less than $300 million, compared to the Brampton hospital—these are the comparable figures—which, including equipment, is $900 million.

Mrs. Maria Van Bommel: My understanding is that the numbers that you were quoting were the original costs, including the maintenance, because it is—

Ms. Natalie Mehra: No, I'm comparing apples and apples.

Mrs. Maria Van Bommel:—a design, build, finance and maintenance project. So it's all in one.

Ms. Natalie Mehra: No. For Brampton, the total deal is $2.6 billion.

Mrs. Maria Van Bommel: Do you have any idea what it would cost to do maintenance over 30 years for the Peterborough hospital? Would you be able to put a calculation to that?

Ms. Natalie Mehra: No, I couldn't.

Mrs. Maria Van Bommel: So you have no—do you talk to people who do redevelopment of hospitals? When you do your analysis, what expertise do you use?

Ms. Natalie Mehra: Let me give you an example. Lewis Auerbach, the former director of the Office of the Auditor General of Canada—so obviously, he has the expertise; a very credible person—did a value-for-money review of the Brampton P3 hospital. What he found was that the financial case for the hospital rested upon a projection that the services of the hospital—so the maintenance that you talk about, but in that hospital it was additional services—would be run for 70% of the public sector comparator, a number that is so low as to be implausible. It is very unlikely that the hospital could be run for 70% of the costs that it normally would be run for under a public model—so what he calls a dubious assumption that hospital operating costs can be reduced beyond reasonable levels in order to offset the unnecessarily high costs of financing design and construction. What that means is exactly what has happened in the UK: Because the financing costs are too high, because of the profit-taking, because of the consultants' costs, because of all those costs being so high, the scope of the hospital ends up getting shrunk. In the Brampton hospital, that's exactly what happened. The scale of the hospital was reduced.

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The Chair (Mrs. Julia Munro): Excuse me, we've run out of time. We'll move on to Ms. MacLeod.

Ms. Lisa MacLeod: I appreciated my colleague's questions. I think she had some very valid questions.

I want to talk to you a bit about the role of private investment in the public delivery of health care. I think, philosophically, we'll probably disagree. Having said that, you made some very valid points about accountability and how we could probably see a more transparent Infrastructure Ontario; I agree. You made a point where you said there is so much money, but so much secrecy, and a lot of the questions have not been answered.

Then you went on to warn us, and this is where I want to have a little clarification, that this could be another sponsorship scandal. That's a pretty serious thing to say, particularly because my colleagues will remember, during the sponsorship scandal federally, that implied that the government was funnelling money into companies for partisan purposes. I've seen no evidence of that. I might not be on the same side as my colleagues, but that's a pretty serious thing to say, and I wonder if you have any claims to back that up.

Ms. Natalie Mehra: What I'm saying is that you have a set-up that is ripe for use of public funds. You have a set-up with such a lack of transparency and such closeness of relationships between the industry and the bodies that are meant to oversee the P3 projects, which deal with billions of dollars of public funds, that it's a set-up for a scandal, it's a set-up for misuse of money—

Ms. Lisa Macleod: But just to be clear, the sponsorship scandal was very unique in that there was actual public money used for partisan purposes. I'm not one to always defend my colleagues on the other side, but I just think that it's a very dangerous path to go down and to use rhetoric like that while we're in front of the province is quite dangerous. I think that in terms of making your point, we would all be better off to talk about the lack of accountability rather than likening it to something that I have not seen any evidence of.

Ms. Natalie Mehra: You're putting words in my mouth, so I want to clarify that what I've warned you of is a set-up for misuse of public funds. There is not enough accountability here to ensure—

Ms. Lisa MacLeod: I mean no disrespect. It's just that I did work on Parliament Hill during that time, and we're still seeing the repercussions of that, and I just would hate to see that be implied. Anyway, thank you very much.

The Chair (Mrs. Julia Munro): That concludes the time available. We appreciate you coming.

LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA

The Chair (Mrs. Julia Munro): We would now ask the Labourers' International Union of North America representatives to come forward. Good afternoon, and welcome to the committee. As you have been present during the last couple of presentations, you know that we have 30 minutes. You will have the opportunity to make statements as you wish, and then we'll divide the remaining time amongst the members here. For the purposes of Hansard, I'd ask you to introduce yourselves. When you are ready, you may begin.

Mr. Joseph Mancinelli: Thank you for the opportunity to make our presentation on infrastructure investing and our work, in particular, with Infrastructure Ontario.

I am Joseph Mancinelli, international vice-president of LIUNA, Labourers' International Union of North America. I am also chair of the Labourers' Pension Fund of Central and Eastern Canada.

To my right with me today is Lou Serafini, and he is president of Fengate Capital. Fengate Capital has $500 million in capital, $2 billion in assets and 100 employees. It has been recognized as one of Canada's top 50 managed companies. Its mandate is investing $200 million of LIUNA's pension plan dollars in infrastructure investing. In addition, Lou is our managing partner in LIUNA's $200-million infrastructure fund.

To my left is David D'Agostini. He is the administrator of LIUNA's pension fund for central and eastern Canada. This fund has assets of $2.2 billion and services our 90,000 members, 60,000 of which are here in Ontario.

Most of Ontario's infrastructure is over 50 years old. In fact, our experience with most communities right across the province is that the old infrastructure is deteriorating rapidly. It has been creating a risk to the public and causing extraordinary dollars to be spent on upkeep and repair. Our investments in infrastructure have resulted in a win-win situation for our communities, who have finally realized the construction of new hospitals; it's a win-win for government, which does not have to strain the public purse or budgets; and it's a win for our pension plan.

Our pension plan, through our infrastructure investment, will create thousands of jobs for workers in Ontario and in particular will create work for thousands of LIUNA members, who will then be remitting dollars back into the pension plan, which will ultimately be reinvested once again in our communities right across Ontario.

I personally have been a trustee on Hamilton Health Sciences' board for 12 years. I can tell you with absolute certainty that Hamilton Health Sciences is happy about the two hospitals that are finally being built in the Hamilton area. We have jumped from the 1950s to today's standards overnight because of the reinvestment infrastructure of those two hospitals. The community, of course, in that particular city is also ecstatic, and I can assure you that the economy in that particular city is booming because of the injection of infrastructure dollars into those projects.

Our LIUNA pension fund is looking for secure long-term investments. Working with Infrastructure Ontario gives us the security that we require and a forum and vehicle for patient, long-term investing. These programs have been a significant catalyst for economic renewal in many small communities. The economic impact cannot be understated. These large projects have given us an opportunity to train a large number of new workers, including many apprentices and First Nation youth. We would be pleased to show you, the committee members, any and all of our records, with complete transparency, that this is a very positive and effective experience for all involved.

This has been a great experience for our organization, representing 60,000 Ontario workers and their families. We are looking forward to working with Infrastructure Ontario as we move forward to fund the renewal of transportation infrastructure. We hope that the procurement process will be used in order to regenerate the roads, bridges and all infrastructure projects. We think that this is a win-win situation for government, communities and the investors involved.

I'd like to pass it over to Lou Serafini to expand on this very positive experience.

Mr. Lou Serafini: Thank you, Joe, and thank you to the committee for allowing me to speak today. As managing partner of LPF Infrastructure Fund, I can tell you that, to date, we have successfully partnered in 11 projects and pursued as many in seven provinces throughout Canada.

The greatest realization that we've experienced at our company since our involvement in this sector began in 2005. It was the dire straits of Canada's aging infrastructure.

Having dealt with several provincial agencies in a variety of projects in the social sector, transportation sector and energy sector, we can make several observations about this method of procurement. And that's what we think this is: a method of procurement.

One, the process adopted by Infrastructure Ontario is a high-level way of transferring risk to the private sector. What we are trying to achieve is long-term cost certainty. The problem that we encounter is that we're always comparing apples and oranges: a construction cost contract to a contract that predetermines your costs for a 33-year period.

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The second observation we'd like to make is that the mechanics adopted by Infrastructure Ontario create a bidding environment. This bidding environment promotes innovation in design, construction, facility management and financing. One small example: We are the successful bidder on the Sault Area Hospital. We brought in a technology that has 200% efficiency in lighting. It's an innovation that hasn't even hit the market. This came out of our consortium and will become a standard for hospitals throughout Ontario.

Third, this method of project delivery invites global players to partner with Canadian companies, ensuring maximum value for taxpayers. The P3 market is not new; it's 15 years old in the UK, it's 20 years old in Australia, and it's been adopted in a big way in Europe. One example that comes to mind is the Golden Ears bridge in British Columbia. It is the third time the bridge has been built—in Vietnam, in Panama and now in Canada. This drives value down and creates benefits for taxpayers.

The bottom line, in our experience, is the time that it takes to bring a project to delivery has improved significantly. Our bottom line is that they're finally getting built. When we go to these communities like Sudbury and Sault Ste. Marie, what we hear most is not how the project was delivered but that it finally is being delivered.

Thank you.

Mr. David D'Agostini: Pension funds are a natural investor in P3 projects. They have a wide variety of appeal for institutional investors. We believe that infrastructure investments are win-win for all stakeholders. In an investment world of 4% bonds and volatile equity

markets, they make a great investment from a pension plan perspective.

Because pension funds have inherently long liabilities, infrastructure investments are an excellent match for those liabilities. They behave like a long-duration, fixed-income asset or bond with equity-like returns. They also provide stable and predictable cash flows, particularly in the investment credit environment that we are in currently. Infrastructure cash flows have a low correlation to equities and real estate and provide less volatility than equities and real estate. With an allocation of 5% to 10% in infrastructure space, a pension fund can substantially improve their overall returns. We expect to see that pension funds by the year 2015 have increased their allocation to about 15% in infrastructure space.

I'd just like to thank the committee on behalf of the board of trustees. Our board of trustees is extremely pleased to be participating in these infrastructure investments.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin with Mrs. Albanese.

Mrs. Laura Albanese: Thank you for your presentation. I know that tomorrow you're breaking ground in Oakville, with the opening of a new building, so congratulations for that.

You have spoken about the importance of infrastructure. We were talking earlier about skilled trades. I wanted to ask you, do you believe that there is a shortage of skilled trades today in Ontario? We also heard earlier that there is a need for management education in this field, and I wanted to get your opinion on that.

Mr. Joseph Mancinelli: Through you, Madam Chair, of course there is a skills shortage. There has been in the province for quite some time with regard to construction trades. In fact, the absence of large projects, such as the infrastructure projects that we have, has been part of the problem. It's very difficult to train and get apprentices on small projects around the province, to get women involved in construction, to get aboriginal youth involved, because the projects are small. But when you have the opportunity, like a large infrastructure project, a large hospital that may be $200 million to $300 million, it allows us the opportunity to train new people. It allows us the opportunity to bring in a higher percentage of apprentices, and it allows us the opportunity to train youth, aboriginal youth, women and a number of folks who would not have access to those particular jobs. So I think that this infrastructure project is actually solving some of the problem. Of course, I have no pretensions that it is solving all of the problem, but it is solving some of it in the construction trades because we can finally get some of the training programs in place in order to get a higher percentage of folks into the workforce.

Mrs. Laura Albanese: Do you believe that the AFP model is working? We have heard that because of the magnitude of the projects at times, you can't get the small subcontractors to bid for these projects and that might be a problem. What is your opinion on that?

Mr. Lou Serafini: That's somewhat true, but the real driver of smaller contractors participating in these projects is not the method of procurement; it's the method of financing. Typically, the Ontario Financing Authority would issue lots of bonds, and if you use a smaller contractor and the government just issues the paper on that, you're taking the risk of that small contractor completing the job. Under the current AFP model, all this risk is transferred onto the consortium, so your contractor has to provide enough security—letters of credit, bonding, parent company guarantees, surety insurance, which a lot of times smaller guys can't qualify for—to secure the cost and completion schedules of these projects. So if this is a bigger player's game, that's because of the financial markets and what risk they're willing to take.

The other thing we've seen is that even the Canadian contractors are getting at their maximum level of capacity. So we have to ask ourselves, if the next phase of hospitals will be $1 billion and bigger, who's qualified to build them within Canada? We can tell you that you can count them on one hand. Now we're seeing expertise coming from Europe to partner with Canadian companies so that we can deliver these facilities that we need.

Mrs. Laura Albanese: You also seem to recommend AFP projects in the transportation field. Why is that? What would be the benefits of that?

Mr. Joseph Mancinelli: I think that if we had to highlight a sector within all of our communities that has experienced the highest level of deterioration, I would have to say that's the sector. Our bridges, our roads, our highways are in desperate, desperate need of repair. Now that the government has committed to an infrastructure program in order to rebuild that part of the infrastructure, we're convinced that this procurement process is a good process to use, moving forward, to get these projects done. If we rely on the public purse and on the government to come up with these funds, I'm afraid that our experience in the past kind of speaks for itself, it takes too long to get these projects off the ground, whereas with this process it takes an average of about three years to turn things around. Within a three-year period we could see our new bridges, new roads, new highways and expansion of the existing systems, which would have a dramatic impact not only on infrastructure, but on energy and on pollution and on a number of things. So the domino effect is very, very positive, and we're very much in favour of it. We have allocated an additional $100 million from our pension plan specifically earmarked for transportation infrastructure. We look forward to working with Infrastructure Ontario in that field as well.

The Chair (Mrs. Julia Munro): Any further questions here? Okay, thank you. Ms. MacLeod?

Ms. Lisa MacLeod: Thanks for coming today. I just have a quick question about the hard copy of your presentation and the sheet which says, "LPF Infrastructure Fund." I just want to go halfway down the page to the Royal Ottawa Hospital and the William Osler Health Centre, which are not part of Infrastructure Ontario; they're both part of the Ministry of Health and Long-Term Care. Could you explain the numbers to me,

because I'm having trouble: Is the hospital worth $1.5 billion, and then your returns are $1.69 billion?

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Mr. Lou Serafini: I'll take that. Those investments were done post-construction, and these investments are actually equity-related to the construction contractor, as opposed to a direct investment in those projects.

The number you see on the right—total construction value—is the amount of the contract, not $2.5 billion. It's $447 million. What we find is that a lot of numbers that other interest groups present are nominal dollars. They will take the number of payments for 33 years, plus the interest, and add them up. The process adopted by Infrastructure Ontario is a net present value number. For instance, if you were to look at Sault Area Hospital, which is a $408-million project, the actual construction contract is $267 million—a lot different than $408 million. The $400-million number for a net present value that is disclosed by Infrastructure Ontario includes many things: financing costs; interest during construction; major maintenance reserve accounts so that we know that the boilers are going to be operating in year 33; debt service reserve accounts; and again, a fixed payment for 33 years so that we know we're going to have cost certainty.

Underneath that, what's not disclosed is the penalty regime if we don't perform. So if operating room 6 is 72 degrees and the doctors refuse to operate in it, we don't get paid. That's a reality of this process that's usually not disclosed.

Ms. Lisa MacLeod: With respect to the Royal Ottawa, then, the total construction value—what it cost the province—is $127 million.

Mr. Lour Serafini: At our involvement, that was the cost of the project. That's when—

Ms. Lisa MacLeod: So our total value is now $151 million? So the province of Ontario is actually making money off of this hospital; it's not large cost-overruns. Am I to assume that?

Mr. Lou Serafini: No, it wouldn't be right to assume that. That's really the markets and the value of that project based on a financial markets perspective. So there are risks during this process, and as they decline, the perception is that the risk is declining. For instance, many people would consider a higher-risk period during the construction period, which is a four-year period, typically.

Ms. Lisa MacLeod: So the province of Ontario, though, did not lose money in building the P3 in the Royal Ottawa Hospital?

Mr. Lou Serafini: No. It was a cost-certain, date-certain contract.

Ms. Lisa MacLeod: Thank you. No questions.

The Chair (Mrs. Julia Munro): Thank you very much. Ms. Gélinas.

M^me^ France Gélinas: Thank you for coming. Throughout your presentation, you referred to P3 and the experience in the UK where they've been doing this for 15 years, and in Australia. When you used the term "P3," you were really referring to the alternate financing and procurement? For you, they mean the same thing. So what you said about the P3, you really meant about AFP?

Mr. Lou Serafini: AFP in Ontario, PFI in the UK.

M^me^ France Gélinas: Okay. So P3 is the same as AFP?

Mr. Lou Serafini: Correct.

M^me^ France Gélinas: I have money in a pension fund. I'm hoping that they're risk-averse, that the money is going to be there when I need it. When the risk is being transferred, how could a risky investment be something that attracts you guys? I'm missing something here, because usually pension funds don't want risky investments.

Mr. Joseph Mancinelli: It's interesting that you use the word "risky," because we don't. Our members work in the construction industry and we don't view construction as a risky investment. Ideologically, we're opposed to that terminology. We don't see these as risky projects at all.

M^me^ France Gélinas: So when the government says—when Infrastructure Ontario talks about the transfer of risk, Infrastructure Ontario perceives it as risk, but you don't perceive it the same way? Is that it? Because otherwise, they would become risky investments.

Mr. Joseph Mancinelli: No. I think that the word "risk" is associated with the ability to deliver a product on time and for the dollars that you've committed to build it at. I think that's what "risk" refers to. And we're pretty confident that in any of the projects that we're involved with, we can deliver the projects on time and on budget, and that is big savings for the government, a feather in the cap of our workers and our members who are actually performing the construction work, and I think it's a win-win for everybody.

M^me^ France Gélinas: Okay, so from the financial perspective of your pension fund, you're not investing our money into a risky endeavour?

Mr. David D'Agostini: No. I think what Infrastructure Ontario means is that the risk is being transferred to the contractor. It's very similar to a fixed-cost bid, where you've taken the bid and now you take the risks that go along with it. If you overrun on your project, you're going to have absorb the cost of that.

M^me^ France Gélinas: But you're part of this consortium that includes the builder, so if the builder doesn't come in on time and on budget, your money is not coming in; like you said, there are penalties. Doesn't that make it risky?

Mr. Lou Serafini: It's an investment that has risk associated with it, that is true. The key, then, is doing enough assessment and enough analysis, like any investment: What is the risk and what is my tolerance for risk and am I getting an adequate return for that risk? In our case, we've been very satisfied where we are positioned today. But you're right: The consortium does take on risk; the lenders require equity because there is a risk component. That is the whole point, in our view: The government has taken this risk on in the past and now

they are passing it off to the consortium. We do that as well. As an equity investor, we assess where the risk is and what our comfort level is, and then we make a decision. There are certain investments we have not gone after because we felt that the tolerance for our risk was lower than what this project would yield to us.

M^me^ France Gélinas: Okay.

Mr. Joseph Mancinelli: I'd just add to that, if I may, that there are different levels of risk. In fact, on a $2.2-billion plan—we invest in many different things so we don't have all of our apples in one basket, if I can put it that way. If you start comparing levels of risk, after yesterday's performance and the day before on the equity markets, I would think that infrastructure is a pretty good investment, compared to the money we had in the equity market. So you have to look at it that way as well. It's all relative.

M^me^ France Gélinas: It makes it look pretty good after what happened in the US.

Mr. Joseph Mancinelli: It does, it does.

M^me^ France Gélinas: I had one more question and it escapes me. Give me one second. No, it's not coming back. Sorry.

The Chair (Mrs. Julia Munro): This is it?

M^me^ France Gélinas: This is it unless it comes back to me in the next couple of seconds.

The Chair (Mrs. Julia Munro): Thank you very much for being here today and giving us the insights that you have. We appreciate you coming.

ONTARIO FEDERATION OF LABOUR

The Chair (Mrs. Julia Munro): I'd like now to call on Wayne Samuelson, the president of the Ontario Federation of Labour.

Mr. Wayne Samuelson: Good afternoon. I think I'm the last person. I should tell you that this is the high point of my month when I get to come here and share my views with you. My name is Wayne Samuelson. I'm president of the Ontario Federation of Labour. With me is Sheila Block, who is our director of research, recently appointed, and has worked as an economist.

I'm going to try to give you a sense of my views on this issue. I should tell you, I spent some time in Great Britain looking at the incredible disaster that has happened in that country because of the investment. I should tell you, whether you like them or not, it's probably going to be a contributing factor to that government suffering in the polls. All of the things that have happened, the disasters I've seen over there, are now catching up.

I want to begin by saying I'm really pleased to present you with my views on behalf of our 700,000 members. Your terms of reference for this agency review include improving the accountability of agencies and revising the mandate and the role of agencies. It's in that context that I hope you will consider what I'm about to say.

We are calling on you and hoping that this committee will take a closer look at the accountability of Infrastructure Ontario's P3 program and its mandate to use P3s to build public infrastructure. The OFL has a history of opposing P3s. We have done an incredible amount of work on the principle; you sometimes call them AFPs here in Ontario. Our view is that they are more expensive than traditional government financing; they make it harder to provide for good, quality public services by introducing profit providers into the system.

First, let me talk about accountability, because I think that is an incredible responsibility that all of you have. The government claims that Infrastructure Ontario has an open process and points to all of the information that is available on the Web, things like project agreements, contracts and value-for-money assessments. But when you look a little closer, it's clear that instead of transparency, you have a lot of smoke and mirrors. Oh, yes, the project agreements are on the website, but with almost all the information removed. An example is the 695 pages of the North Bay project agreement that Natalie Mehra talked about. The word "redacted," which means the information has been removed, appears 359 times.

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It's the same story for the value-for-money assessments. The government tells us that they've proved there's a good deal for P3s, but when you take a closer look there's not much information to really allow you to assess that and to prove anything. In fact, the government doesn't even give the accounting firms that do the assessments enough information to do them, and as you know, in their documents they actually provide a caution in that regard.

In my mind, the evidence is clear that P3s are a more expensive way to pay for public infrastructure. Governments can borrow money much more cheaply, they can insure against risk more cheaply, and the complexity of these agreements has the impact of increasing the costs. We know that when P3s get involved in the operation of public services, it's a recipe for poor quality. For-profit providers need to focus on the bottom line, not on the quality of public services.

This is why we have, I think, what are incredibly reasonable requests of this committee and, frankly, something that each of you has to agree is part of the responsibility you have for sitting on this committee; that is, we are recommending to this committee that you go to the House with a recommendation that the government provide true transparency by providing the public with enough information to really evaluate these deals. I don't think that's at all unreasonable. We are also asking that you recommend that Infrastructure Ontario suspend its program of P3s and investigate moving back to the traditional way that we've built this entire province.

We're very concerned about the current program of AFPs or P3s in health care and corrections, but I have to tell you that we're becoming even more concerned about the expansion of these programs into other areas.

I absolutely want to acknowledge the government members for standing up to all the political parties in Ontario that have been shortchanging workers for many,

many years. It's unfortunate that you've lined yourselves up with the Conservatives on this issue, because I think you would have a role to play in standing up to the federal government, which forces, through border crossing funds and Building Canada funds and various rules they put in place, all projects to be placed through a P3 screen. That would be something that I wish our government in Ontario would raise.

Having said all of that, I can tell you that in my experiences in my travels through the UK, when I've talked to people, when I've visited the facilities—most days you can go on the BBC website and you will find a story that either they're restructuring what you call LHINs here or P3s. Basically, the models you've followed here come from England. You will usually find stories about these disasters. Of course, because of the stock market crashes, those stories have all been pushed to the back pages over the last few days.

My final note is that I actually agree with some of the things, even though we agree in principle with the labourers' union. They're a no-win investment for a pension fund. This stuff about transferring risk—in today's marketplace with pension funds, I understand why a pension fund would invest in this. I guess from an investor's point of view, it makes a lot of sense. I think from a taxpayer's point of view, whether or not you want to actually get into it and find out now, sooner or later the truth will come out and the facts will be before the people and we'll find that while we may have built 10 hospitals, had we done this with some real accountability we could have built 15 hospitals. I think that's ultimately where this debate will end up. It's probably going to take a few more years, but experiences in other countries show that sooner or later the public will in fact find out what the true costs are.

I'd be pleased to answer any questions you have.

The Chair (Mrs. Julia Munro): Thank you. We'll begin with Ms. MacLeod.

Ms. Lisa MacLeod: Welcome to the committee. I'm just wondering if, in your experience with the United Kingdom, they've gone to the last of your recommendations, which is—in their case, did they bring in an auditor for an immediate review of the value-for-money assessment of their P3 projects?

Mr. Wayne Samuelson: Yes, there was. I'm sorry; I don't have it with me. There was one that the government held up for a while, but it's been completely discredited by most independent sources. So the government has tried to do some audits to justify their position. The problem they have is that even after they do the audits, when they find out that the consortium has cut down the size of the room so that they can't get the beds in—

Ms. Lisa MacLeod: So they didn't have an independent audit system like we would here? I would believe anything our Auditor General would say because he scrutinizes; I used to be on public accounts. So there was nothing like an Auditor General who would have reviewed these P3s in the UK?

Mr. Wayne Samuelson: I think many people have done reviews. I'm not so sure if they have an Auditor General structure. Many people have done reviews, and there are different viewpoints, depending on who they come from.

Ms. Lisa MacLeod: I'm simply interested in the Auditor General—

Mr. Wayne Samuelson: Are you suggesting that this committee's willing to support the Auditor General going into this file and finding out and releasing all this equipment?

Ms. Lisa MacLeod: I do support the Auditor General reviewing, and they have it within their mandate. I understand the Brampton hospital may be one of the subjects of a future audit. When you're talking about this amount of money, I think that it would behoove the government or the Auditor General to review that. I'm just wondering, in the experience that you've related to this committee, if you have any specific instances where there have been cost overruns. I didn't hear any specificity.

Mr. Wayne Samuelson: I can get it to you. We've produced the documents, which I think I mailed to all MPPs a few years ago. I can certainly send that up to the committee.

Ms. Lisa MacLeod: I think we would appreciate that, and I would have no problem seeing that this particular organization or agency of the government receives the same type of scrutiny that any other ministry or department or agency would receive. I think that's just good governance, and I think it's a good, fundamental piece of democracy. I wouldn't draw any conclusions at this point in time, though, because I've seen the P3 at the Royal Ottawa Hospital. It was something I fought for and something I think is working; I'm very pleased about it. In terms of the last recommendation you make, I think that a review of the value-for-money assessment is reasonable.

Mr. Wayne Samuelson: Thank you. I appreciate your support. I think it's reasonable as well.

Ms. Lisa MacLeod: Thanks, Madam Chair.

The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: Thank you for coming, Mr. Samuelson. It's always a pleasure. Certainly, we've had the opportunity to hear a lot of people talk about P3s today. When the president and CEO of Infrastructure Ontario was here, I questioned him as to needing to be more transparent and accountable on the financing part of the design, build, finance and maintain. He came out and said, "We can't do this," because it would give some kind of advantage to some people he didn't want to give an advantage to. When I asked about the assessment of the value-for-money audit, he said that the assessment is for the way the value-for-money is conducted, not for the actual numbers that will go through. Is this the type of assessment you're looking for, or are you looking for more than that?

Mr. Wayne Samuelson: Unfortunately, I wasn't here this morning, but I'm sure the committee must have been outraged to hear that kind of response. As people who are entrusted with ensuring accountability, I think to have one of your own department heads or the leader of one of your commissions or whatever come here and tell you—

have I got this right? He told you that he didn't want to do a value-for-money audit?

M^me^ France Gélinas: No, that the value-for-money audit was an assessment done on the process used, not on the actual numbers.

Mr. Wayne Samuelson: I share the outrage you must all have expressed. Yes, you must have been all outraged at that. I'm sure that will be number one in your recommendations.

M^me^ France Gélinas: It'll be right up there.

Mr. Wayne Samuelson: For sure.

M^me^ France Gélinas: Given that you represent the Ontario Federation of Labour, certainly building hospitals and infrastructure gives jobs, and I think everybody around this table agrees that having a job is a good thing. How do you balance your recommendation with the fact that building hospitals gives people jobs?

Mr. Wayne Samuelson: I completely agree that building hospitals gives people jobs, and more importantly, it serves a really important need in communities and society. I think there are ways that we could find to invest pension funds into some kind of an investment tool the government could use to do that if there were some shortages of capital. I think the experience is, in most places in the world that I've looked at, that once you move toward putting control not only into a consortium, what actually happens is that the control goes into a big, long pile of documents that lawyers spend all their time fighting through. I think ultimately you dramatically increase costs, you destroy any sense of accountability, and on scrutiny, these kinds of projects ultimately are proven to be far more expensive. That's been the history. I just think it's the wrong way to go.

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Listen: The government was opposed to them before the election; after the election they changed the name a little—we all admit that a PPP is a P3—and now they support them and they're building them. I've been around long enough to know that that's what's happening.

At the very least, I can't believe that people who were elected by citizens, like you, shouldn't be out there ensuring that there is accountability for that money and that you're making the right decision, instead of blindly following the sort of ideological view that's been forced on us by the federal Conservative government and was part of the previous Conservative government, although they didn't have the guts, at the end, to actually do it. But it makes common sense to me.

I just spent a few years as a politician, a long time ago, and when I went home at the end of the day I felt I had some responsibility to make sure the money that was being spent by the people who worked hard to pay taxes was actually being spent in a most efficient manner. I think on any analysis this P3 model is not being tested, and there's no accountability.

M^me^ France Gélinas: The model that's called design, build, finance and maintain I understand has been used in other areas, such as in the UK. I don't know if you're up to date on all of this, but can you talk to us about the maintenance part of those 25-year deals and some of the stories coming from abroad?

Mr. Wayne Samuelson: Yes. I don't think we're there yet, but if you look at the British experience, you know where it'll end up. It ends up with the consortiums that build the facilities actually looking to what they call—a pretty common term now—bundling. We see it with our cable TV and telephones. The move towards bundling ultimately has an impact on the people who work there, and I think that's where the process traditionally has always led. I don't know if I'll be around long enough, but I suspect the day will come when I'll be sitting before a committee, saying, "I remember when I was here one other time telling you that this is where we would end up."

I think it just moves control away from taxpayers; it places in these consortiums—and I was surprised to hear that now the consortiums are actually going to be more international players. As somebody who's been around employment issues for a long time, I'm not so sure I'm really comfortable with more companies from wherever in the world getting control of our economy.

M^me^ France Gélinas: The fact that US health care companies are going to be bundling up services in the maintenance agreement that will include not only maintaining the hospital, but doing the parking lot and doing food services and security and portering on a for-profit basis, is not warm and fuzzy to my heart at all either, not my idea of a Canadian public health care system.

Mr. Wayne Samuelson: Yes, and people are going to say that's not going to happen. It will happen; it's happened everywhere else in the world, and sooner or later there will be a public debate about this. I suspect that it's not going to be too far off. It's outrageous to think that a small community organization had to go out and get people to help finance four years in the courts to find out what it cost to build a hospital. I think most people, once they realize that, just think it's not right.

The Chair (Mrs. Julia Munro): Thank you very much. We must move on. Mrs. Van Bommel.

Mrs. Maria Van Bommel: I think for clarification we certainly need to—you made the statement that P3s and AFPs are the same, but they're not. Through the AFP system, there's a lot more public control of these buildings, and we're going to make sure they're publicly owned, publicly controlled and publicly accountable. Under the AFP system, the private sector never touches the patient. I think that's really paramount here. As I said earlier, as a former chair of a hospital board, I think patient care was always the most important thing we had to deal with.

We've heard two different versions of the numbers just in the two prior presentations that you brought forward. I think of myself as a bit pragmatic in the sense of how I deal with and approach things and I'm sure that the federation of labour is as well. Things like this are important to us. But when I look at this again—and I will say, again, as a pragmatic person—I look at it as, "Pay me now or pay me later," because if we want to build

these hospitals as cheaply as possible, that's exactly what we'll get: cheap buildings. Those buildings will deteriorate and, as I know from my own personal experience as a hospital board chair, we end up paying over and over again to do the maintenance. At the end of the day, at the end of 25 or 30 years when we look at these costs, can we honestly say that having gone at it the old way of basically going for the cheapest bid is what really brought us the best building—or, as I said earlier, if I was building a house and I had the opportunity to decide between 15-year shingles because I wanted the cheapest house I could possibly build, or I took the 40-year shingles because I wanted to have a house that was going to last and I made my one investment and didn't need to worry about it because I made sure I put the proper materials in place. How do we tell the taxpayers that this is just the beginning of a long time of paying for a hospital over and over again?

Like I said, I've seen it. I've seen the blistering paint; I've seen the leaking roofs; I've seen the equipment damaged by water because of those leaking roofs; and I've seen the bills to pay for that, which had to come out of the community as well. That didn't come just out of the taxpayers; that came out of fundraising by the community through the foundation. Those things had to be paid for. Over the long term, somebody pays. So why wouldn't we look at a system whereby we take that risk away from the public and we give that to a consortium and we say, "You do your best job at calculating what it's going to cost to put that building up and maintain it for 30 years and you tell us what that's going to be, and then it's your responsibility, and if you're wrong, it's your problem."

Mr. Wayne Samuelson: Well, you've said a lot. First of all, the comments about P3s: I heard it pretty clearly; I can go back and check Hansard. From the investors' point of view, they don't see any difference between an AFP or a P3; the guy who just said that was sitting right here, two minutes ago. So you can use whatever term you want, but from the investors' point of view, it's a P3.

Your comments about the bad decisions you made when you built buildings wherever you're from: I was involved in building buildings. I thought we made pretty good decisions, actually. If you drive around Kitchener, when I was involved in politics there and fundraising, I'm quite proud of the buildings we built. We made the right decisions.

I don't know how you deal with people who make wrong decisions and don't know enough to buy the better shingles, frankly, but I can tell you one thing: You certainly don't send it off to some international company to decide. I think it's a decision you should make. Frankly, I think our whole argument has been exactly as you characterized it: It's "Pay me now or pay me later." As you increase the cost because of the financing, all of the costs that are associated with these private-public partnerships, you end up paying in the long run anyway.

I don't know how you deal with local politicians who don't know enough to buy the right shingles. That's a problem and maybe we should look at that.

Mrs. Maria Van Bommel: But that's the way we do these things. We look at the tendering and we bring in the lowest bid, don't we? That's how we handle all these sorts of things.

Mr. Wayne Samuelson: When I did it—I don't know where you're from, frankly, but before you put out the request for tenders, you tell them what they're bidding on.

Mrs. Maria Van Bommel: Absolutely—

Mr. Wayne Samuelson: I find what you're saying kind of bizarre, frankly.

Mrs. Maria Van Bommel: But is it not true? I've been involved municipally as well. Our ratepayers expect us to take the lowest bid or be able to explain why we didn't because there's the assumption that, as you say, the specs are handed out. When we do the requests, specs are given out. Everybody knows what they have to deliver. So if we say we want a roof, most people would not go to the trouble—

Mr. Wayne Samuelson: Maybe there are examples where somebody who makes these decisions bases them on inadequate specs and a tender, but my experience is that usually there are standards around what kinds of specs you would ask for. I find your argument kind of bizarre, personally, but maybe you have different experiences.

Mrs. Maria Van Bommel: Well, like I said, I've worked in a rural community with rural hospitals, and those were well-built hospitals. But they were also built because people were very careful with the money. We're very pragmatic in rural Ontario. After we had built those hospitals, then the maintenance was the issue. People still had to keep going into their pockets to keep paying. At the end of the day, was the cost of the hospital any cheaper because we did it that way?

Mr. Wayne Samuelson: My experience in all of the things I've been involved in is that you issue a tender with specs in it that protect you from the long-term consequences and make sure you get the right material in the building. If you're more confident that some international company is going to do that better than you or our local politicians, I guess we'll just have to respectfully disagree.

The Chair (Mrs. Julia Munro): Further comments? All right. Thank you very much.

Mr. Wayne Samuelson: It's been a pleasure. I just wish we had more time.

The Chair (Mrs. Julia Munro): Thank you very much for coming.

That completes the presentations and the question-and-comment period. Is there any other business? If not, this committee stands adjourned until 9 a.m. tomorrow, here.

The committee adjourned at 1601.

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Agency review:

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 18 September 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Jeudi 18 septembre 2008

The committee met at 0931 in room 151, following a closed session.

AGENCY REVIEW

ONTARIO TRILLIUM FOUNDATION

The Chair (Mrs. Julia Munro): Good morning, and welcome to the Standing Committee on Government Agencies. This morning we are pleased to have the Ontario Trillium Foundation here. I would just explain that you have five minutes in which to give us a bit of overview and then we will have questions from the members in rotation. We will begin this morning with the government. I'll do my best to make sure that everybody has equal time and that we move along. We'll do it in three rounds of questions. For the purposes of Hansard, I'd ask you to introduce yourselves. As soon as you are ready, you may begin.

Ms. Helen Burstyn: Good morning, everyone. I am Helen Burstyn, the chair of the Ontario Trillium Foundation. I'm joined this morning by our CEO, Robin Cardozo, and our vice-president of finance and administration, Anne Pashley.

We have been given the five minutes for our opening comments and I thought that I would begin by telling you about some of our grantee organizations, because they and their work describe what we do better than anything.

Since I was appointed chair of the board in December 2004, I have had the opportunity to visit a number of our grantees. Their stories have been inspiring, and the results of their Trillium grants have been truly impressive. Talking to these not-for-profit organizations, both their staff and their clients, reminds me of why this work is so important. It's why I sometimes say, as a volunteer chair, that the pay is lousy but the benefits are great.

One of the first grantee organizations I visited is Community Environment Alliance of Peel. Their innovative Share-IT program, funded by Trillium, recycles used computers and other electronics such as printers, monitors and scanners. This small storefront operation has a significant environmental impact because they work to divert electronic equipment from garbage dumps and landfill sites, preventing contaminants from leaching into the ground. The social impact of their program is even more impressive, because IT-savvy volunteers do the refurbishing of old equipment and the recycled computers go to disadvantaged children and families, many of whom are recent refugees or immigrants who couldn't otherwise have access to any such advanced technology.

Staying with the theme of newcomers, I'd like to tell you about the Peace Bridge Newcomer Centre, an OTF grantee located right at the Peace Bridge in Fort Erie, adjacent to Canada customs and immigration. The Peace Bridge is one of the busiest arrival points for refugees to this country, and the centre immediately links them to local social service agencies. What makes this program really unique is it encourages them to consider making the Niagara region their new permanent home. It was because of a Trillium grant, together with support from other community partners, that this modern and welcoming newcomer centre was built, replacing the rather inhospitable trailer that once was used to process immigrant and refugee claimants when they first came to Canada.

Last year our board of directors visited the Wabano Centre for Aboriginal Health in Ottawa. This thriving health clinic serves Ottawa's urban aboriginal community, and OTF grants have supported this centre's programs, including parental training circles for young parents and the healthy living education program for children and youth.

Last year, as part of our 25th anniversary celebrations, we also celebrated our York region Great Grants in the Sharon Temple Museum. Madam Chair, we were fortunate to have you join us on that occasion. The Sharon Temple has been designated a national historic site, and Trillium grants have helped the museum build its infrastructure, administration and fundraising capacity.

In Toronto, I have been fortunate to spend some time at Community MicroSkills in north Etobicoke. This innovative organization provides training and other support to low-income and immigrant women, helping them to create small business enterprises that offer a range of services, everything from technology support to beauty salons to micro-marketing agencies. This organization does really remarkable work and is a true success story.

Next week, when our board meets in Thunder Bay—I should add that we try to meet outside the GTA at least once each year—we will visit the Anishinabek of the Gitchi Gami Reserve, the Finlandia Club of Port Arthur and the Thunder Bay Art Gallery—all successful foundation grantees. These are just a few examples of organizations that have benefited from an Ontario Trillium

Foundation grant. They powerfully illustrate our mission: building healthy and vibrant communities in Ontario.

Now I'd like to give you a snapshot of who we are and how we're organized. Our regional structure is central to our mission. Each of our 16 regions has its own granting budget, a volunteer grant review team and a small office. This allows us to be very locally focused. Volunteerism is at the core of how we work; my board colleagues and I are all volunteers, and our 300 grant review team members are all volunteers too. We work closely with our professional staff to ensure that our granting dollars are wisely invested in communities across the province. Our head office is in Toronto, and we have professional staff located in every part of the province.

Here are a few words about our granting programs. We make grants to registered charities and not-for-profit organizations in four sectors: arts and culture, the environment, human and social services, and sports and recreation. Eighty per cent of our funds flow through our community grants program into every region of the province, and 20% go to our province-wide program, which supports broader regional or provincial initiatives.

This past year we introduced the Future Fund, a fund that focuses on grants that will help build the capacity of the not-for-profit organizations that are vital to Ontario's future. The first $4 million of the fund were invested in building Ontario's environmental sector, a decision that reflects the importance of the environmental sector and also recognizes the need to offer more support to the many fledgling non-profit organizations in this area, which is still an emerging area.

Before I wrap up, let me just highlight a few of the things we are particularly proud of at the foundation. We are the largest funder of the not-for-profit environment sector in the province. We put a great deal of emphasis on our outreach and granting to northern and rural communities and to disadvantaged communities such as First Nations and newcomers. Monitoring and grant follow-up is very important and critical to our accountability. Our significant and comprehensive media coverage in local newspapers across the province reflects the fact that we have a very strong presence in every community. I should add that MPPs of all parties play a very valuable role in attending our events, announcing local grants and congratulating our grantees.

The foundation has been the recipient of a number of awards. Last year, for example, the Maytree Foundation gave us the annual Diversity in Governance Award in the public sector. The Conference Board of Canada recognized us for effective governance. The Washington-based Council on Foundations gave us an award for our website; I believe it might even have been two awards in a row. But we're not resting on our laurels. We continue to look for ways of improving and providing better customer service, achieving greater impact and enhancing the value-added services we provide to stakeholders and communities.

We celebrated our 25th anniversary last year, and in looking back, we also looked forward with a conviction to build an even stronger foundation and healthier and even more vibrant communities over the next 25 years.

Thank you, Madam Chair and committee members, for the opportunity to address you today.

0940

The Chair (Mrs. Julia Munro): Thank you very much. We'll move to Mr. Ramsay.

Mr. David Ramsay: Thank you very much for coming. It's good to see everybody again.

You had just mentioned—I'd like to develop this a little more—emphasis on northern and rural ridings. Actually, most of us around the table represent rural areas. I'm wondering if you've sort of looked into this, as my understanding is, and correct me if I'm wrong, that we grant on a riding basis, on a per capita basis. Would that be right? Okay.

As you know, especially in the north and in some rural areas in southern Ontario, we see a steady depopulating of those areas as we become more and more an urban jurisdiction. Have you thought about that? For instance, while mine isn't the largest—it's the fifth-largest riding—I have 34 municipalities, and in many of those municipalities there are very active—thank goodness—volunteer groups that help to build our communities. Have you thought about how you would redistribute the money when you have that sort of competition in those areas versus maybe some more densely populated areas?

Ms. Helen Burstyn: Thank you for that question. We have thought a lot about that, and our granting formula does reflect the need to redistribute, to some extent, in more sparsely populated and large northern rural ridings. But I'm going to ask Robin Cardozo to address that specifically.

Mr. Robin Cardozo: Thank you, Helen. Yes indeed, Mr. Ramsay, this is an issue that the board and our grant review teams and the staff spent quite a bit of time thinking about. You're quite right that both are issues to do with depopulation. There are also the obvious issues that I know many of you around the table are aware of, the fact that quite often in urban communities it's easier to access other forms of income from corporate donations and so on. Under the board's guidance, the foundation has done a couple of things: Number one is that, within our community grants program, as Ms. Burstyn mentioned, 80% of the funds flow through our community grants program. Initially, we do a per capita calculation into our 16 catchment areas, so each of the 16 catchment areas gets a per capita amount. After that initial calculation, we then do what we call an "urban-rural adjustment," where 10% comes off all the urban areas—so Toronto, Ottawa, and all the other larger urban areas have 10% taken off—to be transferred to the rural and northern areas. That's part one.

Part two, as Ms. Burstyn mentioned, is that we also have a province-wide granting program, and the province-wide granting program, as the name suggests, is for grants that will have impact in broader parts of the province. It would be very easy in a program like that to allow the large provincial organizations based in Toronto

or Ottawa to apply for grants and make a case, but we're not satisfied with that and the board is not satisfied with that. We're very proactive, in terms of insisting that programs province-wide think about the north in a proactive way, not just wanting to include them but actually having partners in the north that will participate in the programs. I believe that close to 40% of our province-wide programs, for example, are having impact in the north. That's just one example of how, as a foundation, we're very proactive in those areas.

Mr. David Ramsay: Thank you very much.

The Chair (Mrs. Julia Munro): Any other questions?

Mrs. Maria Van Bommel: Thank you very much. I also want to say thank you for the work that you do. Certainly you have very active grant review teams in my riding. I happen to catch two of the grant review teams, and what I find especially important is the fact that the Ontario Trillium Foundation has an opportunity to address the needs in communities that tend to fall through the cracks or are not eligible for other programs, and certainly right across the board deals with all age groups. I've attended festivities at local Legions, of which I have a number in my riding. There were some funds that were used to assist the local square dance club in a conference that they organized, in a national conference that they put together, which was very interesting as well. We've also had grants for service clubs that have worked with youth, and a skateboard club. All those events are always interesting to attend, and the diversity of the grants, bequests and the applications that come in is quite gratifying for me as an MPP, and I certainly appreciate the opportunity to attend those. I find, in a lot of cases, that the community, even in small dollars—it makes such a difference, and I think you garner out of the community many more dollars and leverage volunteer work from people to make these things happen, so it's really important.

But one of the things that I noticed in your responses to the committee was that we talked about your staffing and your resources as an organization, and that you felt that there was particular risk in understaffing, especially as it came to the program area. I was wondering if you could give us some specific instances or examples of how limited resources might prevent you from achieving the goals that you have set for yourselves.

Ms. Helen Burstyn: Again, I'm going to ask Robin to address this specifically, but I'll just say, from an overview perspective that, as a board, whenever there's a new program that's introduced like the Future Fund or whenever we are fortunate enough to receive more funding from government, we always look at what pressures that may create. We don't look specifically at staffing requirements for that. Staffing is one area that certainly does experience pressure, but I'm going to let Robin talk to you about some of the instances where resource issues have come up and how we've dealt with them.

Mr. Robin Cardozo: Thank you. The section that you're referring to, Mrs. Van Bommel, is the risk management portion of our business plan. As with any organization, we think about the risks involved in running our business. I think that in any corporate, business or government agency, or a not-for-profit, one always has a balance between providing the kind of service that our stakeholders expect, but also, on the other hand, keeping our costs at a moderate level. That always is a struggle and it's at the senior staff level—and I have my senior staff colleagues with us here, of course—and with the board. This is a discussion that we often have, about how to get that balance right. I believe that we put a lot of attention into that. I think you've probably seen elsewhere in the materials the fact that we want to be a leader in cost-efficient grant distribution. Being a leader in cost-efficient grant distribution has a cost with it as well, which means that we have to be able to distribute the funds as cost-efficiently as possible. I'm sorry if that's an obvious statement.

To directly answer your question, we're continually trying to look at ways to keep our costs low, which sometimes means that there are staffing pressures at certain times of the year in certain parts of the province. We address that through a variety of ways, including having a flexible staff structure where staff can help one another out; where there's a pressure in one area, staff in other areas can help out.

We also are continually looking for innovation. My colleague, Anne Pashley, has finance and IT under her area, and we're continually looking for ways in which computer systems, for example, can help to make our work more efficient so that we don't spend more and more money on operating costs and we are able to keep the granting budgets as high as possible.

You're quite right in drawing to an area of risk for our organization. We believe that this is a risk that every government agency faces, in one way or another—getting that balance right. As Helen mentioned, I have to say that the board has been very supportive of us, in terms of working on getting that balance right. I hope that answers your question.

Mrs. Maria Van Bommel: Just one other question particular to our First Nations. I have five First Nations bands in my riding, and I've noticed that they have only just recently started to really avail themselves of the Trillium foundation. At Walpole First Nation, they have done some work, and actually, my most recent Trillium grant went to Kettle Point First Nation for a radio station that allows them to do their own radio broadcasts not only into the local community and around Kettle Point but into the Sarnia region as well, so they have outreach to the Aamjiwnaang nation there and to First Nations people who live off-reserve.

In terms of dollars, what percentage of your grants would go to our First Nations people?

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Mr. Robin Cardozo: I'm going to ask my colleague Anne to help me. I believe around 6% or 7% of our total grants in the last year went to First Nations-related programming. I think the First Nations population in Ontario is around 2%, so we have made a really concerted effort

in that area and continue to do so. You're quite right, I think, in pointing out that it has been more recent. This is another area where I think I'd have to look to our board chair and our board as being very instrumental in encouraging us to move in this direction. It does take a lot of outreach, it does take a lot of work, but we've been very gratified to see the impact of some of the work we've done in that area.

The Chair (Mrs. Julia Munro): Mr. Leal.

Mr. Jeff Leal: Just to follow up, because I'm Minister Bryant's parliamentary assistant for aboriginal affairs, in terms of your corporate recruiting, do you have any Metis or First Nations people in your organization to help in this particular area, because there are some unique challenges, as outlined in the Ipperwash inquiry's 100 recommendations? One of the things that Justice Linden identified is the ability to enhance capacity within those nations. It seems to me that Trillium could have a very significant role in achieving some of the intended results of those recommendations.

Mr. Robin Cardozo: Yes, absolutely. We have aboriginal human resources in various parts of the organization. Just to give you a couple of examples, on our staff we have an aboriginal outreach officer in northern Ontario who assists both our Thunder Bay office and our Sault Ste. Marie office now in terms of reaching out into those communities. We've also just brought on board in our Toronto office an individual of aboriginal background, a very highly experienced person who's working as a grants associate. On our board, we have—Helen, two?

Ms. Helen Burstyn: Yes, two members of our board are of aboriginal background, and they bring a lot of texture to the discussions. Our discussions at the board are, of course, of a policy nature. In terms of operations, though, and really knowing how to get into the aboriginal communities and help with the grant-making process, that's more on the professional staff side.

Mr. Jeff Leal: Do you have ongoing conversations with the Ministry of Aboriginal Affairs?

Mr. Robin Cardozo: Yes.

Ms. Helen Burstyn: Actually, we met not long ago with the minister's office—I believe, Robin, you've also met with the deputy's office—and on the public service side, on a more frequent basis. We've talked about doing more connecting of the dots and being able to—

Mr. Jeff Leal: Because I think we have some mutual objectives here.

Ms. Helen Burstyn: Absolutely. We are a substantial grant maker to the aboriginal community, but of course, so is the ministry. Not only in the grant-making area but in policy areas there may be areas of overlap, and we want to make sure that we are consistent. We're not there to be identical to what government is doing in both funding and policy-making, but in terms of convening there's a lot that we can do together, and we're trying very hard to make that a closer connection with the ministry.

Mr. Jeff Leal: While I have the opportunity, I just want to say that you have a phenomenal employee in Peterborough, Jackie Powell. I know that Ms. Powell has taken on a number of specific tasks for Trillium across the province of Ontario. We're very lucky to have her and, of course, the former vice-chairman Hugh O'Neil from Trenton, who made numerous visits to the Peterborough area for grant announcements. I know what great expertise and leadership Mr. O'Neil brought to your board.

The Chair (Mrs. Julia Munro): Any further comments at this time? With the indulgence of the committee, I'm going to stand down Mr. Barrett's time because Ms. Gélinas has to leave us.

If you have a couple of minutes in order to question, that would be great.

M^me^ France Gélinas: Thank you for accommodating me. I'm France Gélinas, and I represent the riding of Nickel Belt, which is in northeastern Ontario. We often hear that the board of Trillium is very much big centre-centric, Toronto-centric. For the record, I understand that you have 22 board members right now out of a possible 25. If you could go through them, whom do you consider coming from the north? How many come from the north? How many represent youth? How many represent francophones? How many represent First Nations? You've already said two represent First Nations. How many represent northern members? Do you set goals for yourself as to the percentage or how many you want represented on your board? If you could elaborate on that issue.

Ms. Helen Burstyn: Thank you for that question. We work very hard at trying to ensure that we've got the right mix—demographic, regional and cultural—all kinds of the right mix on the board. I'm going off recollection. I'm going to turn to my colleagues at some point to refresh my memory on exact numbers or percentages, but at the moment I believe we have several, four board members, from the north; I may be off on that. We have all parts of the province represented. I know we have the east represented; we have the southwestern part of the province represented. We have a lot in the GTA and Golden Horseshoe represented. Frankly, we always need to be on top of the need to have representation from those parts of the province that are maybe more sparsely populated. It's easier to get board members from urban centres. But we work very hard at ensuring that we have the right mix from rural and other centres. One of our board members comes from a tiny hamlet near Stratford—Bright, Ontario. I don't even know precisely where it is. She is a farmer.

Ms. Anne Pashley: She's our treasurer.

Ms. Helen Burstyn: And she's also our treasurer. She also used to be with the Mutual group, which became Clarica, and so she has a background in financial services. It's hard to find the right mix of things, so I'd say that we also try to find the right mix of people in different career and professional backgrounds because so much of this has bearing on the kinds of grants.

M^me^ France Gélinas: So you would say four members from the north and two from First Nations. How many francophones?

Ms. Helen Burstyn: One of our francophone members has just left our board and is being replaced.

Mr. Robin Cardozo: There are currently two francophone members.

M^me^ France Gélinas: Two out of 22. And how many youth?

Ms. Helen Burstyn: One of our aboriginal members does double duty because she's also—I think everybody who is younger than I am is young, so I'm not sure where the youth cut-off is. But we have two who are under 35 and a number who are in their earlier 40s. To me that seems younger.

M^me^ France Gélinas: I'm not sure they would understand all of the wishes and wants of the youth population.

Ms. Helen Burstyn: But the other thing that's important to recognize is our ground review team members; we also try to get the same distribution and mix on the GRTs, because they're very close to the actual grant making. That's where the really heavy lifting occurs. They are close to the local applicant process.

M^me^ France Gélinas: But I understand that it's a recommendation that you get from your 16 geographic areas, and the actual decision to grant is made by the board. So it becomes important for people who feel that they are having difficulty accessing your grants to be represented at the level of the board. Have you considered setting targets, or working hard towards but not really fixing targets? Would you keep a position open for an aboriginal although you have a very qualified candidate who is a white male from Toronto?

Ms. Helen Burstyn: We don't set targets precisely. I'm going to ask Robin to respond to this as well, because a lot of the goals of representation on the board, at the staff levels, are really set with the staff. Robin, could you comment on this?

Mr. Robin Cardozo: Certainly. It's a very valid question and one that we spend a fair amount of time at the foundation thinking about. For us, representation means representation at the board, representation at the grant review teams and representation at staff, so at each of those levels we try to make sure we are reflective and representative of the province.

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One of our key points of pride at the foundation, and in some ways it might come back to Mrs. Van Bommel's earlier question about the pressures that we might face, is the fact that we have our 16 grant review teams—that is our main way of staying close to community—and in each of those areas we also have a staff representative. Mr. Leal mentioned one of our staff representatives in Peterborough; thank you. I'd like to think that there would be similar comments about our staff representatives in other parts of the province as well, because our staff do try very hard to keep plugged into the local community.

I'm answering your question by perhaps answering it in a bigger way, by saying that as important as the board representation is—and I do believe the reason we won the Maytree award for diversity in governance last year was because we were recognized as being a leader in this whole area—part of it is because we are representative at all those levels.

The Chair (Mrs. Julia Munro): Thank you. We'll move back. Mr. Barrett?

Mr. Toby Barrett: Thank you for coming before the committee. I know that before the hearings you identified a number of issues of concern, and some of these were discussed by the committee's research officer this morning.

I have a number of points related to some of the issues that you've identified. One challenge to help organizations has been discussed—build their long-term capacity. With many of the grants in my area—and I should mention that I represented Haldimand–Norfolk–Brant previously—locally, you've had an excellent track record over the years. I know oftentimes we think of so-called government money as stupid money and money that gets wasted when somebody gets a grant or does a study and it sits on the shelf, but over the last several years I have seen no evidence of that at all through the Trillium Foundation. Oftentimes, the grants seem to be $12,000 or something in that order. They're much appreciated by the organizations. I see that partly as seed money; there's no expectation, theoretically, of follow-up money. I'm just wondering what the failure rate is of the many grants that you send out, large and small.

Ms. Helen Burstyn: Well, let's start with the success rate. There are 1,500 grants a year.

Mr. Toby Barrett: Big and small?

Ms. Helen Burstyn: All sizes and shapes. We've decided quite deliberately to make sure that we stay very broad and that being able to handle that volume of granting is important, and that's where resources and staffing to properly demonstrate accountability for all that comes into play.

In terms of the overall scheme of things, the go-bad rate, if you can call it that, is really tiny. I'm going to leave it to my colleagues on either side of me to give you the exact percentages, but I'll just say that I'm always amazed by how much success there is at that rate.

Mr. Toby Barrett: That's good to hear. I don't need the percentages—

Ms. Helen Burstyn: I think it's something like less than 1%.

Mr. Robin Cardozo: It's less than 1%.

Mr. Toby Barrett: Let's hope that trend continues.

I know the direction to assist marginalized communities or organizations that are not into grantsmanship—I hear this a lot from those groups—a number of very small groups have not applied just because they can't figure out how to fill out the forms. I can't help them fill out the forms. I understand there have been some changes on that to make it a little easier.

Ms. Helen Burstyn: Robin?

Mr. Robin Cardozo: Number one, we recently introduced a simplified application form for smaller capital grants. Our capital grants are very popular, I think. I've often heard our chair refer with pride to the fact that

we're often the only source of capital grants. We find that smaller capital grants go a long way.

The second thing that is a major part of what we do is to provide workshops for grant applicants. We don't apologize for the fact that we do have a comprehensive application form, and this is something that the board and senior staff have always felt strongly about. In terms of accountability for government dollars, it's a fulsome and comprehensive application process, so we don't apologize for that. That said, where we have worked hard is to provide guidance and assistance to those inexperienced groups to be able to apply. For example, in every region, every year—Pat Else, our director of grant operations, is here, and the staff in her area. As part of their objectives every year, they have to hold workshops for applicants, where groups get walked through the application process.

The other thing that we did—to pick up on your question of some recent changes—is that we've also put some tools on the website; for example, standard budget forms. Where a budget might sound complicated to a small group, they can go to our website and follow a standard process to be able to fill out the budget. It is an ongoing process. I wouldn't pretend that there are not still groups who find that, but I do believe that we continue to make efforts in that area and we're continuing to try to service those groups.

Mr. Toby Barrett: Okay. Another issue, and this may be partly a new direction—I'm not sure—addressing changes in demographics. Many of our rural areas are stable or losing population. High schools are closing. We lose elementary schools on a regular basis, it seems. Small hospitals occasionally are threatened. I don't know whether you have the capacity to wade into much of that. I guess my question is: Shouldn't government be dealing with this? I'm just concerned. If you wade into some of these big issues—the same with demographics the other way. The growth in this city is out of control, in my view, and I'm not sure what Trillium can do about that. Are you just looking at helping certain groups with organizational effectiveness? That's a big chunk to bite off, if you're going to start dealing with the massive demographic changes in this province and the related problems, let alone some of the opportunities.

Mr. Robin Cardozo: On the one hand, it's not appropriate for us to wade into changing demographics; they are what they are. However, there is a very appropriate role for us, and that is sharing best practices so that communities can learn from one another. This is another area that our board and the staff have really—and it is a new direction. We believe that we will be taking a more active role in terms of sharing best practices. So for example, if you go to our website today, you will find—specifically to your point—that we recently posted a research paper, Small Towns: Big Impact, where we went into six small towns across the province to study the issues in these small towns, many of which are exactly the kinds of issues that you refer to, Mr. Barrett: the primary employer closing down, young people moving out of the community. How are some of those communities dealing with it? More specifically, in terms of our mandate, how are some of the not-for-profit groups helping communities deal with it? For example, many not-for-profit groups have been working with communities in terms of developing new tourism initiatives, refurbishing heritage buildings that become draws for tourism, bringing together farmers, in terms of groups of farmers, and developing policies and best practices around local food. Those are the kinds of things that we can be doing, and we've started to do them. This is an area that, I think, maybe Helen, you should speak to, because this has been really a vision of our chair and our board, for us to do a more proactive role in the future.

Ms. Helen Burstyn: I will speak to that just a bit, just to point out that we're very aware of the demographic changes and we track them through our staff. We also track them through our community profiles, which, actually, we're about to release in a new format with more information. Community profiles are based on Stats Canada data that is overlaid onto our 16 catchment areas. It gives us, along with a lot of other research, anecdotal and the hard research that we do, a clear picture of what's happening in our communities.

We also started, a few years ago, to do something called Community Conversations, where we actually went into communities and had a dialogue with them, not about making applications or the best way to get a grant, but really about what they're seeing in their communities that's different, that may be worrisome, that may be something that jointly or with other community partners we can do something about. It does affect our grant making.

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At the board level, we have a granting policy committee, and really the board is all about policy and setting the right framework for making grants that really speak to the needs of Ontario communities, and those are changing. We've seen some pretty strong changes in the last few years, and we do reflect that on an ongoing basis by updating our grant review teams on things that we're seeing at the macro level and also things that they can contribute from their own, much closer, vantage points as members of their communities.

It does affect how they make grant-making recommendations to us. We are always adjusting, and there will be further adjustments made because right now I think we're at a critical time in terms of seeing, as Robin mentioned, smaller communities suffering from particular issues. Also the loss of volunteers in many communities is a really important issue for us.

Mr. Toby Barrett: I had some more time.

The Chair (Mrs. Julia Munro): Certainly.

Mr. Toby Barrett: The money the Trillium Foundation receives is no longer tied to gambling. I don't know whether a lot of people are aware of that. When did this happen?

The reason I ask, and maybe this goes back to the Wintario days, is that I thought much of this was maybe a sales job for people to accept slots in their community or

at their horse racing track. So that's no longer the case? There's no link to gambling money?

Ms. Helen Burstyn: It used to be that the charity casinos, when they existed, had a more direct tie to the monies received by the Trillium Foundation. Robin, you probably have to weigh in on this just to make sure we're accurate. The charity casinos, as such, don't exist anymore. All gambling or gaming revenue comes in to the government, and we receive our funding from the government. There was never actually a decision made by the gaming corporation, for instance, about what Trillium would receive. There was a tie in terms of the paper transfer of money, but they did not determine how much we would receive or whether we received funding of a certain kind. In a sense, the tie has always been more directly with the government itself.

Robin, would you maybe like to give a little more of the history of that transition?

Mr. Robin Cardozo: I think you've covered it well, actually, unless there are any other questions.

Ms. Helen Burstyn: Okay.

Mr. Toby Barrett: Maybe this could be the last question. According to your business plan, "OTF is one of the most cost-effective organizations of its kind in North America." Can I quote you on that? Where did this come from? What is the reference to be able to say that?

Mr. Robin Cardozo: Yes, I'm happy to take that, and I'm going to ask my colleague Ms. Anne Pashley to add to it. As I mentioned in response to an earlier question, it has always been, going back over the last 25 years, long before my time with the foundation, a point of pride for us to be a leader in cost-effective grant distribution. As part of that process, we do monitor what other typical grant makers spend on their operations compared to us. We look at other foundations that are in the grant-making business. We look for ones that are as similar to us as possible. One of the challenges is that we have both the pride and sometimes the challenge of being somewhat rare in Canada, so thanks to the Ontario governments over the last 25 years for supporting that. That said, in terms of our comparisons, I'm going to ask Anne to refer us to our current cost structure compared to some of the examples we look at.

Ms. Anne Pashley: We regularly monitor what we call our operating cost ratio. I think it was in some of the materials that we submitted. Our current ratio is 11.3%. As Robin said, we compare ourselves to like organizations, like funders both in Canada and in the United States. It is hard to find like organizations because most other funders do not have some of the cost pressures that we have: 16 offices, many volunteers, and 1,500 grants a year. Large US foundations with two, three or four times our budget often have a quarter or a half of the grants that we have, so we have some unique pressures. That said, the comparators that we found are large US foundations. In Canada, the McConnell foundation, which is one of the largest in Canada—compared to our 11%, their ratio is about 17%. The Canada Council is 14% and the Ontario Arts Council is 13%. The US foundations on average are around 18%. In the studies that we track, the benchmarking group that we use and some of the large foundations that you would be familiar with, such as Ford, Rockefeller and Kellogg, theirs are much higher than that average of 18%.

Mr. Toby Barrett: Thank you very much.

The Chair (Mrs. Julia Munro): Ms. Sandals?

Mrs. Liz Sandals: I actually don't represent a rural community anymore, but I used to have some rural municipalities as part of my municipality. One of the things that seemed to me was that often in small communities, volunteer groups may be doing good work but they haven't gone through the formal registration of becoming a not-for-profit or a registered charity, so they didn't qualify to apply. I noticed that you recently changed the eligibility rules so that in small communities, municipalities in partnership with volunteer groups can apply for grants. I'm assuming it's to get around that problem that often in small communities there just wasn't anybody who was eligible to apply for good work that needed to be done.

I'm wondering if you could tell us a little bit about your experience with having changed the mandate to address that and whether it seems to be working, because that did seem to me to be a weakness and I'm just wondering what your experience is.

Ms. Helen Burstyn: Robin?

Mr. Robin Cardozo: Certainly. I'm happy to. We made that change about five years ago for exactly the reasons that you mentioned. We did learn—I'll just step back for one moment to just remind everyone, but you probably know that we went to what we call our $100-million model—it's now $110 million—in 1999. At that point, the grant review teams were introduced and we also went into the four different sectors as opposed to only funding in social services. What we came to realize fairly quickly after 1999 was that in a number of small communities there just was not a depth of incorporated, not-for-profit organizations to be able to apply for grants. If we wanted to have impact in those communities, we had to figure out a way to do it. So we spent a lot of time thinking about that and felt that to make grants to unincorporated groups would in some ways be a slippery slope and the accountability would be different. So after a lot of analysis, we landed on the policy that municipalities of 20,000 or fewer people are now eligible to apply for grants in the sports and recreation and the arts and culture sectors.

Since introducing that policy, it has been very successful and there has been a terrific take-up. One of the concerns initially was whether in fact that would take away from not-for-profit groups, so we've been very vigilant about that. There's no evidence at all to show that that eligibility of small municipalities has in any way taken away from not-for-profit groups, because when a small municipality comes to us, that's one of our first questions to them: "Have you talked to the local not-for-profits? Are you working with them?" Sometimes, if they say no, we'll say, "Why don't you go back, think about

this some more and figure out how to work with those not-for-profits and then come back to us in the next round?" So we believe that there has been terrific take-up, and we'd like to think that we helped to build the community through the grant but also helped to build the local not-for-profit sector by making the municipality, who may not have thought about it, now think about working with the local not-for-profit groups.

So there definitely were concerns about this when we first went down this route: Was it going to in any way weaken the not-for-profit sector? There is no evidence to suggest that to date.

Mrs. Liz Sandals: Thank you. That's good news.

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The Chair (Mrs. Julia Munro): Mrs. Van Bommel.

Mrs. Maria Van Bommel: I just wanted to follow up on something that Mr. Barrett brought up when he asked about the success of projects, and that is to the financial accountability of the grants. Is there follow-up with grantees? Do you do any kind of report back from them, even audit, or some such way of accounting for the dollars and having a sense of value for money?

Ms. Helen Burstyn: Again, I'll let Robin answer; thank you.

Mr. Robin Cardozo: Absolutely. This is an area that is also, obviously, of great importance. We're dealing with government dollars and it's of paramount importance that there be that kind of accountability.

Number one, I think the process of accountability starts long before we make the grant. So if you don't mind, I'll step back for a moment. In terms of doing the research before we make the grant, both our staff and our local grant review team ask a lot of questions about the group: Are they ready for a grant? Have they had grants before? And if they're a new organization, because many of our grantees are new organizations, who else do they work with in the community who might give us some assurance that this group has some backing, some experience, some knowledge behind it? So there's a lot of due diligence that gets done up front. That's step one.

Once a grant is made, the group has to sign a letter of agreement with us, which is a contract. So there's a contractual agreement between us and the group. They have to meet the terms of the contract. So that's step two.

The third step is the monitoring process, which you referred to. Every grantee has to provide us with a detailed report of how they spent the funds. If it's a one-year grant, they would give us their report at the end of the project. If it's a three-year or four-year grant, because we can make grants for up to five years, if it's a multi-year grant, they have to give us an annual progress report. Again, our being locally based in the community, between our volunteers and our staff they get to find out pretty quickly if something is going off the rails. This is an area where our grant review team volunteers are enormously helpful, because they keep, with us, an eye on the grants that we've made and they'll find out if something is not happening. So that's the next one.

Finally, we do have an audit step. Not every grant gets audited, obviously; we have 1,500 grants a year. Anne, it's about 1% of the grants?

Ms. Anne Pashley: It's 1% of grants under management.

Mr. Robin Cardozo: So 1% of grants under management get audited every year, and we actually worked out that that number, in consultation with the ministry's auditors and given everything else that we do along the way in terms of due diligence, is a reasonable number. So it's a spot audit. Everyone knows that they may be audited. Everyone is on notice to keep their records on hand in case they get audited. So that's the final step. There are several steps along the way.

Mrs. Maria Van Bommel: Thank you. You mentioned staff and their involvement and certainly—I have to concur with Mr. Leal—the staff in both my grant review areas are wonderful people and do assist those who apply a great deal. But one of the things that they also are quick to say to me is that there's a lot more asked than there are dollars for grants. There are very many good projects and they do a lot of good work in the community. So I guess the question I'm coming to is in terms of, what is your ratio of dollars asked as to what you have available, and that whole issue of funding and the need for funding for Trillium?

Ms. Helen Burstyn: Again, in a general sense the demand rate, which is how we refer to that, is very high, and I think it is creeping upward. So we fund on average one in every three to four grants where an application has come in. Is that correct, Robin?

Mr. Robin Cardozo: It's $1 for every $3 to $4—

Ms. Helen Burstyn: Okay, that's right. That's what determines it. That seems to be actually quite high. When you look at 1,500 grants on average every year, that's a lot of grants that are actually given. So it's more the glass-full view of things than it is the glass empty. That said, we're also seeing, I think, more demand from new areas. There are always emerging areas in the not-for-profit world. We're starting to see more, for instance, in the environmental sector. Among environmental not-for-profits, there's a lot of desire, but not a lot of capacity quite yet. Something that the foundation did, I believe it was in the early 1990s when the sports and recreation sector was just getting going, was to notice that there were a very few established organizations that could be matched up with or partnered on a collaborative basis with less-skilled not-for-profits that were emerging in the sector. It raised the quality of the applicants for the whole sector and really created a stronger sector in sports and recreation. We're hoping that that same approach actually holds true for our environmental not-for-profits. There's not a lot of capacity for most of them, but there are a few larger players who are very solid, and with our Future Fund what we did to address that was to insist on collaborations. They're all collaborative projects. The first five projects that were funded actually represent about 100 different organizations because of all the collaboration, so it's a matter of pulling them all along.

I'll let Robin address more specifically what you were asking about.

Mr. Robin Cardozo: I think the other part of your question was about what happens to all the groups that are not successful. As Helen mentioned, we get about $3 to $4 in requests for every $1 that we do grant.

In terms of the other groups, they certainly don't get a cold "Thank you for applying. Don't call us; we'll call you" kind of thing. It's very much "We're sorry you weren't successful this time, but let's talk about whether there is any potential for next time." Most applications that are not successful are simply because of that 1-to-4 ratio. In the selection process, we obviously select the ones that are closest to our priorities. That said, groups that were not successful get counselled on what they might change in terms of coming back. For example, a group might be advised to work with others in the community and establish some new partnerships. They might have a great idea, but they may not have fully researched who else is doing related work in the community, who they could work with and leverage off. So we would advise them, "Why don't you talk to so-and-so? Come back to us six months from now, once you've talked to them, with a new idea."

Sometimes groups are simply overly ambitious. A small group that hasn't had a lot of experience might apply to us for $200,000 out of the blue, and we'll say, "We don't think you're quite ready for a $200,000 grant yet. Why don't you think about a feasibility study for this piece you want to do? We'll give you $20,000 for the feasibility study. Once that's done and you've got the data that your idea is going to work, then come back to us with some new partners, with some new research, and then we'll talk about the $200,000 idea."

So we are cognizant of those groups that get turned away and do try as much as possible to provide opportunities for them to come back.

Mrs. Maria Van Bommel: Do you ever have a group appeal your decision? Is there a mechanism for that?

Mr. Robin Cardozo: We don't have an appeal mechanism, simply because the grant cycles are so quick that by the time you appeal, you'd actually miss the next application deadline. What we did, though, is we advanced the notification so that people get to find out sooner now that they're not going to make it through the process, so they have time to regroup and rethink for the next application process. So, while there's not an official appeal, they get invited to apply again in the next round or any round in the future.

The Chair (Mrs. Julia Munro): Any further questions or comments? Mr. Barrett?

Mr. Toby Barrett: No, thank you, Chair.

The Chair (Mrs. Julia Munro): Well, then, seeing none, I want to thank you very much for coming and making yourselves available to the committee for questions and comments. We certainly appreciate the work you do on behalf of all of us. Thank you very much.

The committee will stand recessed until 1 p.m.

The committee recessed from 1028 to 1301.

UNITED WAY OF CANADA–CENTRAIDE CANADA

The Chair (Mrs. Julia Munro): Good afternoon, and welcome back to the Standing Committee on Government Agencies. This afternoon, we are going to conduct, further to our meeting this morning, by hearing from two stakeholders for the Ontario Trillium Foundation. We're going to begin with Mr. Al Hatton, president and chief executive officer of the United Way of Canada–Centraide Canada. Would you please come forward? Oh, and I'm sorry—Judy Baril, executive director, United Way of Leeds and Grenville. Pardon me.

Welcome to the committee. As you may know, you have 30 minutes for our discussion. You may choose to take part of that and then we will have questions from the members. Our rotation this afternoon will begin with the official opposition. Please begin when you're ready.

Mr. Al Hatton: Thank you, Madam Chair. We won't take half an hour; we'll take, let's say, 10 minutes, and then we'll open it up to proceed as you will.

Thank you, Madam Chair and members, for inviting us. It's a great pleasure for Judy and I to be here, because we've actually had a long relationship, right from the beginning, with Trillium Foundation.

Let me start by talking a bit about United Way–Centraide and our movement across the country, and the change we're going through, because pretty much everybody's had some experience with United Way, either by being asked to contribute or by getting involved and using those resources to invest in the community. So we're well known as an umbrella fundraiser, funding a number of agencies in local communities across the country and across Ontario.

Some years ago, though, we took a hard look at what was happening in the community, what was happening in our society and what was going on in our organization, and we felt it was really time for us to revisit our mission and rearticulate our purpose, in terms of fundraising and investing in the community. We went through quite a switch, focusing more on the investment side of where our resources are going and what impact they're having on people—less on the fundraising side. Of course, the fundraising side is critical; if we don't raise resources, then we can't do very much in the community, but rather really focusing on what long-term cumulative change we were making. So we revisited our mission and we've reoriented our organization in that direction. For a number of you who work in local communities, you might have seen the manifestation of that over the last four or five years.

My sense and our sense is that that's very much aligned with the purpose of Trillium: to really look at longer-term solutions, help individuals in community, draw partners together to use the dollars at Trillium to be able to impact on individuals and create longer-term change.

For us, one of the core features of that is collaboration and partnership. We have valued Trillium as a co-funder

and in a sense a co-planner in terms of drawing organizations together in the community, government, partners, the private sector and saying, "What are the priorities in this community and how do we co-invest, how do we work together, for larger, long-term impact?" I think the other feature of this different way of working is that we've got to be much more innovative. This is about, how do we use the resources we have more creatively? I think that's another area where the resources of Trillium based on feedback from citizens can be used for innovative solutions, and we're very much excited by that and have several examples of working with Trillium in that regard.

In a sense, both of our organizations are credible. When we're in the community, people know that we both have good management systems where we husband the resources well, and so I think when we come to the table together, either trying to solve a problem or draw partners together, people come. Sometimes they think, "Uh-oh, they're coming here because maybe they're going to cut off our funding." But after they're there and they see that we're actually trying to involve them in a solution and we're trying to encourage them to come together, that's very powerful. The combination, I think, of two credible organizations coming together actually starts to attract other resources from the private sector, from labour, it involves the academic community, it certainly involves local government; we can often draw provincial and federal departments and representatives together in a non-partisan way to say, "How are we going to actually tackle this?"

For us, I think the relationship with Trillium has allowed us to advance our agenda. One of the challenges in this new kind of work is that it's a lot more expensive. It's one thing to set up a food bank; to start to reduce poverty is quite a significantly different venture. It means we need a new staff complement; we need new skills in our staff; we have to draw a different kind of volunteer in. It's not just about raising the money; it's about, how do you actually work differently in the community? For those reasons and others I think the relationship for us and the importance of Trillium, especially as we enter the next phase of what's going on in the market and the impact that's going to have, I think, on organizations and individuals—it's only going to get tougher. So in a sense partnering with organizations like Trillium is, for us, critical for our success down the road.

I'm going to turn it over to Judy now for a couple of concrete examples and then we'll open it up for a general discussion.

Ms. Judith Baril: Thank you very much. My United Way is Leeds and Grenville, just outside of the city of Ottawa. In 2004, we applied for a grant from the Ontario Trillium Foundation on behalf of 17 small United Ways across the province. Those United Ways had never conducted community consultations, they all raised less than a million dollars, and we all served rural communities. So it was a really important request to the OTF, and we were granted those dollars. The $600,000 that we received was used over a 30-month period, and it was a four-phase project. The first phase was community consultations, which still surprises me when I say this. We had not really done that before. Each of us had served our communities for many, many years and had not really gone into communities and asked people what their problems were.

It was a really important information-sharing effort that we embarked upon. The importance of the collaboration, and we were a collaborative in the true sense of the word, the importance of coming together, was that we knew that a single United Way would not have the ability to do the work we wanted to do over 30 months. We had to work together. The Ontario Trillium Foundation was interested in seeing what our findings and our lessons would be at the end of our process, and so the two of us working together, the OTF funding that initiative and the United Ways, with my United Way in the lead, embarked on that journey.

The first phase that we went out with into the community was our community consultations, and it gave people an opportunity to talk about the dreams they had for their community, and they also told us about their problems. They told us that they felt that the United Way should be a leader in facilitating the change, which is a perfect fit for the transformation, the journey that we're on as a movement. United Ways were encouraged by the things that we heard in our community, and we moved forward. The conversations that we initially had have left long-lasting relationships for our United Ways all across the province. The United Ways that participated in the Community Matters project were north, south, east and west, all across the province, huge geographical territories in which that we conducted our surveys.

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We held 260 community consultations in our first phase and interviewed over 6,000 people, and we used an open-space concept which allowed every person in the room to share their opinions and their concerns and their worries with us.

The second phase was a survey phase that we conducted all across the province: 535 surveys were released in rural communities, and we achieved a 21% response rate, so we were very, very pleased with the rate of responses that we got back. The surveys actually were an important component of the work we did, because they helped us to actually flesh out the problems that not only affected families, but what they felt were affecting their communities as well, and they also helped us reaffirm what we had heard in our community consultation phase.

Phase 3, which happened 20 months into the process, was an opportunity to go out, an open invitation to people in all communities who were participating in town hall meetings. We had over 6,400 people who attended those meetings, and it once again helped us reaffirm what we had heard in phase 1 and phase 2. The people told us that they were hungry to have an opportunity to discuss their dreams and their fears. They talked about the real sense of isolation in rural communities, and we had a better

understanding that the big-city issues that we traditionally felt were happening in the urban environments were really affecting us in our rural communities as well.

What we did find as well was a real willingness for people to roll up their sleeves and make a difference and help us solve some of the problems that we were uncovering.

Across the province our findings were very similar: 13 out of 17 United Ways identified children and youth as their number one issue, and it made the top five in all other United Ways; 14 out of 17 identified transportation as either the number two issue in their community or the number three issue; and poverty-related issues, particularly access to affordable housing and access to services, hit 11 out of the 17.

Our seniors were very active in our process, and they told us about feelings of isolation, being trapped and forgotten in the rural communities.

Our rural youth told us about their feelings about being unsafe in some of their small communities. They shared concerns about drug and alcohol use. They talked about no affordable, nutritious food choices in their rural high schools. The youth were very articulate in the things that they were telling us and were very consumed by issues surrounding poverty.

The lesson we learned province-wide was that people living in rural communities were living in deeper poverty than their urban partners. The cost of competitive housing was trapping some rural dwellers in poverty and keeping them in those small communities. Some families were living in houses that didn't have running water. Access to transportation contributed to their high level of poverty; they just simply could not get out of the communities that they were living in. Even if they chose to stay and work in their own communities, there were no jobs and no affordable daycare for their children.

So, across the province, at the conclusion of our 30-month process, we're now in the process of seeking solutions in our communities. We've learned a lot of lessons. The people have told us what their concerns are. Our next phase of Community Matters will be going deeper rather than wider so that we can try to start developing some solutions for root causes of issues.

The rural poor told us that there was a lack of assets such as affordable or satisfactory housing that they were living with, lack of access to service, non-existent or sporadically available technologies and markets for them, and lack of skills and organizations in their community.

All United Ways are now working on a three- to five-year long-range plan, which we think dovetails perfectly with the standards of excellence that United Way of Canada has introduced to us, and working on issue-based funding solutions to problems across the province.

Immediate action has taken place in many of our United Ways.

Many United Ways are directly working now with transportation authorities to see if we can solve some of those transportation issues that we know are really devastating to rural residents. We are facilitating opportunities for groups to come together, and we're determining targeted action strategies across the province. We're providing education and knowledge-sharing opportunities so that we can share the information that each of us have in our communities and try to build capacity in that sector. There are standing resource teams being developed all across the province within each United Way to help continue the work.

Town hall meetings, particularly for youth, are considered to be a priority.

United Ways have been asked to launch social planning councils in areas where they don't exist.

One United Way has opened up a homeless shelter in a small rural community, which was a very important initiative.

Youth symposia and summits are being held all across the province in rural communities, and United Ways have been able to use the information that we have to leverage resources to help us solve our problems.

I can't stress how important the OTF funding was to us. We simply could not have done the work that we did without it, and I think it made a profound difference in every community that partnered. I think the lessons that we've learned have also affected the larger United Ways that weren't part of the Community Matters project, and we've started having an open dialogue all across the province with small United Ways and large United Ways.

Thank you very much.

The Chair (Mrs. Julia Munro): Thank you. I think that gives us about six minutes per caucus. We'll begin with Ms. MacLeod.

Ms. Lisa MacLeod: Thanks, both of you, for coming from eastern Ontario today to the big city of Toronto. I made the trip myself just yesterday.

I have a question that maybe you can answer. Does the United Way both receive Ontario Trillium Foundation grants and also work with community partners in obtaining Ontario Trillium grants? If I could use an Ottawa example, would our new youth treatment centre qualify as something that you would raise money for, as a United Way, and then not directly receive the OTF grant, but the community organization would? So, you've been both a recipient, then, and you've been—

Mr. Al Hatton: Yes, absolutely, depending on the issue. Sometimes we'll start a process with an organization, with a number of organizations, and we'll identify a number of funders, one of which could be United Way, or maybe, in some cases, not. Maybe it's a question of getting two or three government departments to work differently together. We're doing a whole myriad of things, because the issue is less about the funding and more about what's actually possible to make a longer-term change in the community. In the past, we wouldn't have done that, but that is more and more what we're doing in partnership with any number of organizations. But there aren't that many that actually have resources that can be brought to bear quickly. Usually, when a problem is identified, it's often those first couple of grants that get people moving, and then you can attract

more resources because you have some progress. People get involved and they start seeing a solution coming and they say, "Okay, now I don't mind funding this. I can actually see this solving a problem."

Ms. Lisa MacLeod: With respect to the funding received for the 17 United Ways, and that was $660,000—and it was a consultative process that gave you feedback, I guess, to set up your own strategic plans throughout the province—would any of those, or even the Leeds-Grenville United Way, have received additional Trillium grants or Trillium funds?

Ms. Judith Baril: The collaborative grant that we received was a province-wide grant, so it was a different source of funding than the local community grants. Some of the United Ways that were part of the 17 of our collaborative had received Trillium dollars before. They weren't currently receiving Trillium dollars when they were part of the collaborative that we were working on, but it's a different source of money. The community dollars, the region dollars, that are coming out with the grant review teams are different dollars than the pot that we were funded with from the province-wide grant.

Ms. Lisa MacLeod: In terms of both pots, what would the impact be—and maybe I'll direct this to you, Al—throughout Ontario, on all of the United Way's operations? How much would you consider has been taken in through Trillium grants, regardless of the pot which it comes from?

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Mr. Al Hatton: There are two different parts to your question: One is an amount, and the other is, what does it go for?

Ms. Lisa MacLeod: Essentially just in terms of the amount and what it has helped you accomplish.

Mr. Al Hatton: Well, it's probably in the millions. I don't know; probably the staff could tell you—maybe $5 to $10 million over many years, I think in four or five areas.

One is actual programming solutions working, like I say, in partnership with other organizations; that would be one. In some cases strengthening our capacity: sometimes strengthening our capacity through new software, through helping a number of agencies work together on evaluation and outcome measures. You could fund each one of them individually; it makes more sense to either fund us or fund us with one or two and create a training program for a whole bunch of others, depending on the community.

In other cases, it's actually helping the United Way be more effective in terms of how it does consultation in the community, how it works on social research. We know there's a problem here, but we don't know the extent of it; it's anecdotal. We have to validate this, and we don't have those resources. With Trillium support, we can actually validate this, and then it becomes a lot easier to attract other dollars, because you can actually prove it. So there are several ways in which I think Trillium has helped local United Ways.

As far as all the United Ways in Ontario, I think of primarily Community Matters, from an overall point of view, and probably 211, the idea of having a service that people could call in to and get information on any service in a community across Ontario. We're doing that across the country, but the funding from Trillium was instrumental in having us think for all of Ontario about how to execute that program. We would not have been able to do that without those resources. It would have been a question of either those well off doing it first, or some doing it and some saying "We can't even begin." When we got that money from Trillium, we were able to get everybody involved. It has a significant impact both individually on United Ways and collectively.

Lastly, we use Community Matters now without costing anybody anything to help other rural and remote communities, especially in the west, to really see what they can do by working together and using dollars they hadn't conceived of before in a more creative way. Judy gets called all the time, and two or three other of the real leaders of Community Matters, about "How do you do that?" from other parts of the country. There's another kind of result as a result of that that doesn't cost the taxpayers of Ontario anything.

Ms. Lisa MacLeod: My final question, Madam Chair, was, we had spoken at lunchtime about how this Trillium Foundation money actually creates quite an impact nationally.

Mr. Al Hatton: Absolutely.

Ms. Lisa MacLeod: Even though it's used locally here in Ontario, the funding in your organization of the United Way is actually making a national impact. That's why I'm glad you touched on that, so thank you very much, and safe trip home tomorrow.

Mr. Al Hatton: Thank you.

The Chair (Mrs. Julia Munro): Thank you. We'll move on to Ms. Gélinas.

M^me^ France Gélinas: Good afternoon, and thank you for coming. I'm delighted that you could make it to Queen's Park today.

Certainly United Way–Centraide is an agency that I've always very much admired. You do beautiful work and you have helped a lot of people in need, so kudos to you. My riding is Nickel Belt, which takes in the surrounding areas of Sudbury, so we're served by Sudbury United Way–Centraide. Our executive director is Glenn Thibeault; he's excellent and has been able to increase the amount of donations coming in to our United Way that it could distribute. Up to a year ago, I was the executive of our local community health centre and a recipient—one of the United Way member agencies. Our homeless program was supported in large part by the United Way. Here again, thank you from many different hats.

I'm interested in the Community Matters story. When was this project completed?

Ms. Judith Baril: It was completed in 2007. It was a 30-month project, and our final report was sent in at the completion of that on behalf of all 17 United Ways.

M^me^ France Gélinas: Okay. I realize not everybody—but basically three of the top priorities were children and youth, transportation and poverty. Certainly in my riding, that resonates as the top three for us, too. Since 2007, would you say that things have changed, improved, differed, or would you still keep them the way they are?

Ms. Judith Baril: I would still say that in my community, children and youth is the number 1 issue. I think we have made major inroads in helping some of the young people with some of the concerns that they identified. One of the biggest concerns was that they felt they didn't have a voice, so our youth summits have played a critical role in giving them that voice. We have established a youth-to-youth board with representation from all of the high schools serving as a junior board of the United Way, and we've also made links back to the mayors and the reeves in each of the communities so that young people in each of the rural communities feel they can go and talk to their reeve or their mayor and share some of their rural concerns.

Giving them a voice was huge for them. It was something that they identified—they didn't think anyone wanted to hear from them and they didn't think anyone cared, so we've made major inroads in making sure that that is happening.

M^me^ France Gélinas: Very good. If we go to priority number 3, which is poverty—which was the objective that our funding used to fall under because Sudbury also had poverty as one of their priority funding allocations—in your community or through the Community Matters story, have things changed in that priority area?

Ms. Judith Baril: In my community, we're fairly stable with our economy right now. There are other communities where I think it could be worse. Mine is about the same; the level of poverty has remained the same. There is still certainly a lack of jobs in our community, there is a lack of transportation to get people to jobs and a lack of affordable daycare for people who want to get a job. Unfortunately, when you live in small, rural communities, you really do sometimes get trapped. That was something that we heard over and over again, that they lived in a small community where the rents were cheaper, but they couldn't get out of them.

So we're trying to network with local community colleges to do some outreach training rather than have people come into a college. A drive from one area in my geographical region to a community college is about an hour and 15 minutes. That's a long way to go just for an evening course or some kind of a course to better yourself. But if the community college reaches back out to that community and offers something in that community, it's going to benefit tremendously.

We're working on strategies around that. I think we're having some success. Give me another six months and I'll be able to tell you whether it's working.

M^me^ France Gélinas: That's very good news. I have no doubt that once United Way sinks its teeth into or focuses on an objective, they usually move it forward.

Do you know if this has been the case for the other 16 or 17 that were part of Community Matters?

Ms. Judith Baril: I think that there are strategies happening within each of the United Ways that were partners with us in the collaborative. I think some of the issues that have come up in those communities have led United Ways down different paths. Our focus in Leeds and Grenville has remained children and youth and poverty-related issues. Probably 50% to 60% of the United Ways are still focusing on those issues. Others are trying to deal with other issues that have presented themselves in their community. Poverty-related issues are still one of the top five priorities within all 17 United Ways.

M^me^ France Gélinas: It is in my riding also. When the back-to-school allowance and the winter clothing allowance got clawed back from people on Ontario Works and the Ontario disability support program, our United Way actually stepped in and leveraged donations from big corporations, like Wal-Mart and Business Depot etc. They were able to put together 500 backpacks to help those families who didn't get the back-to-school allowance any more, to help those kids go back to school with new backpacks and new shoes. It was certainly very appreciated from the kids and the poor families in my riding.

Again, thank you very much for the good work that your agencies do. Just for my own knowledge—

The Chair (Mrs. Julia Munro): You're running out of time.

M^me^ France Gélinas: Am I?

The Chair (Mrs. Julia Munro): Yes, you are. Do you have a quick question?

M^me^ France Gélinas: Yes—

Mr. Al Hatton: And a long answer. That's a great—sorry.

M^me^ France Gélinas: United Way Canada: Are your members each local United Ways or are they just the 10 provinces?

Mr. Al Hatton: No. Each local United Way is independent. They all have a vote and they're all—size doesn't matter; they're all equal. Well, size does matter, but from another point of view, not in terms of voting.

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M^me^ France Gélinas: How many are in Ontario?

Mr. Al Hatton: There are 46, I think—45 or 46.

M^me^ France Gélinas: Out of, Canada-wide—

Mr. Al Hatton: Out of 120, so a little less than half.

M^me^ France Gélinas: Very good. See? That wasn't that long.

The Chair (Mrs. Julia Munro): No. That was good. Thank you very much, and we'll turn now to Mr. Leal.

Mr. Jeff Leal: Welcome, Mr. Hatton and Ms. Baril. I know you both work with Len Lifchus, who is the executive director in my riding—

Mr. Al Hatton: A very, very quiet unassuming character, right?

Mr. Jeff Leal: Absolutely correct—and does a wonderful job.

Two quick questions, Ms. Baril. When you were doing the collaborative across Ontario, I heard you mention a daycare. Through that process, was the need for physical daycare spaces identified, as opposed to—there is the libertarian philosophy out there that says you provide somebody with a tax credit or something for $1,500 or $2,000 to go find a space, but is it the physical space that was identified as a real need in the community?

Ms. Judith Baril: Yes. A lot of our small, rural communities that are in Leeds and Grenville did not have what we consider to be enough daycare spaces, so we worked with our local Y, which services all of Leeds and Grenville, and we convinced them to go out and start some daycare facilities in those smaller communities. We identified the community where the need had been identified to us and those daycare spaces within private homes. I think there are five daycare spaces in each of the daycare providers now being provided in those communities.

Mr. Jeff Leal: My next question is—I know transportation is always a challenge in rural Ontario—has the United Way collectively talked to the Minister of Transportation and the Ministry of Transportation to look at an amendment to the Ontario motor vehicle act? There is a real interest, I know. Right now, we have large fleets of school buses in the province. They're used in the morning and then they're utilized again in the afternoon. So there is some thought that that is a resource out there that could potentially be used to provide those transportation alternatives, particularly in rural Ontario, but there would be a need to amend the motor vehicle act in Ontario. Are you maybe going to talk to Mr. Bradley about that in MTO?

Mr. Al Hatton: What a great idea; it's a great idea. I'm not sure—I don't think we have actually, Jeff, but I think it's a really interesting idea. In Kelowna, BC, one of the things they did as a result, in the city, of transportation challenges, was—they actually allow people who are seniors and disabled to travel on the buses at off hours for free, because nobody is on them anyway. It's fantastic. It cuts down the amount of traffic during rush hour and solves a problem for them, and they're usually more flexible anyway. So it's a situation where, by the United Way meeting with the poverty and homelessness group and then the transportation authority and the city, they came to this solution. It really doesn't cost anybody anything.

Mr. Jeff Leal: I know there are a lot of small operators out there in the school bus business who would relish the opportunity to provide those additional services to a part of the community that really needs that transportation.

Mr. Al Hutton: It's a great idea.

Mr. Jeff Leal: So it's up to you to get after my friend Bradley.

The Chair (Mrs. Julia Munro): Further questions? Comments?

Mrs. Maria Van Bommel: Thank you very much. That's fine.

The Chair (Mrs. Julia Munro): All right. Thank you very much. That concludes the opportunity that we have, and we appreciate your coming.

Mr. Al Hutton: Thank you.

ANISHINAABEK MUSHKEGOWUK ONKWEHONWE LANGUAGE COMMISSION OF ONIATARI':IO

The Chair (Mrs. Julia Munro): Our next presenter is Mr. Amos Key Jr., the commissioner and treasurer, First Nations languages director and former executive director of the Woodland Cultural Centre. Good afternoon, Mr. Key, and welcome to the committee.

Mr. Amos Key Jr.: Good afternoon, Madam Chair.

The Chair (Mrs. Julia Munro): As you may appreciate from being here, you have 30 minutes. You can make comments, and then we'll divide the remaining time amongst the members here. So whenever you're ready.

Mr. Amos Key Jr.: Thank you for this opportunity to present before the standing committee this afternoon our relationship and our partnership with the Ontario Trillium Foundation.

Remarks in Cayuga.

In my language, I just wanted to thank my Creator for bringing us here together as one and for bringing me safely here, and hopefully he'll see my way home carefully as well. I wanted to greet you in my language to give you an understanding of my passion for my language and what value it has for my people in Ontario.

Again, I'd like to thank you for this wonderful opportunity to present to you this afternoon. I bring with me 30 years of experience working for my people in this province. I'm the new 25-year-old age group—I've been at it for a while.

I'm going to speak to you about a couple of initiatives. One is about the Woodland Cultural Centre, where I'm employed as the First Nations director. Also, I want to speak to you about a new institution that we've developed called the Anishinaabek Mushkegowuk Onkwehonwe Language Commission of Oniatar':io. We have two folios there for you to look at.

In Ontario, there are 134 First Nations communities, as you know, and all the urban centres as well. We have our Friendship Centres and other groups functioning to service our community.

Using my own quiet diplomacy, I have found like-minded people to help create a language commission for the first time in this province.

My experience comes from working in community radio and also working and communicating using my language. I'm proud to tell you today that I helped found a going concern: a private school board that speaks in two languages, Cayuga and Mohawk, and English as well, as a second language there. So it's a bilingual education system. The outcomes for us have just been tremendous. When I look at the dropout rate of our students, which generally in this province is more than 50%, I

really value our bilingual education system because of our track record right now with our graduates and our retention rate. Our dropout rate is less than 2%, so it speaks loudly for the kind of efforts that we're trying to do.

The commissioners who helped to look at the commission had to look at what it was that we needed in our community and our society and how we were going to manage and organize ourselves. So we decided to incorporate our group into a language commission. We looked at the number of languages that we wanted to represent in this province, and then we also looked at terminology that's used in an English context of who we are. So when we looked at ourselves using our own languages—we don't just live in a culture; we live in civilizations. That's a real paradigm shift for lots of people to understand, not only in this province, but in the country. There were civilizations here that had all the hallmarks of other civilizations in the world, including our own intelligence, our own logic, our own concepts and our own theories. Those come from our multi-dimensional languages. I know, speaking English as well as my own languages, for me, and those of you who have done any reading in English, it's so one-dimensional and linear, whereas my languages are multi-dimensional. They also have a spiritual context as well as a practical context, and we're missing a lot of that in just studying English. That's why we tried to set up this commission: to look at what it is that we need to do to encourage our partners in this province and nationally to look at a bilingual education policy for us as well, as opposed to having just one for our francophone brothers and sisters in this country and in this province. We want to mirror some of those efforts. We've been talking many times to a lot of our partners in the country and with our francophone brothers and sisters about the outcomes of bilingual education, and some of those are the same as we're getting from our tiny school board in southern Ontario, as well. Those are the kinds of things that we want to raise capacity with.

In setting up the commission, we represent three civilizations, which you might know as Ojibwa, Cree and Mohawk. Those are anglicized terms for us, but when we go to our own language, we look at Anishnaabe, Mushkego and Onkwehonwe peoples. So there's going to be a change of lexicon, hopefully, in the government and for ourselves, because we've been relegated to using those terms as well. For instance, my people are Cayuga people in English, but in my language it's Gayogohono, the people of the pipe. Those changes really need to be understood to understand our social fabric and our civilization.

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With setting up our mandate and looking at our future, we've been very thankful that we've crossed a bridge with a partnership with the Ontario Trillium Foundation. What they've done is given us a commitment for a multi-year agreement to build our capacity as a commission. On August 28, we opened up our directory offices at Ohsweken, Ontario. I was just telling some folks as well last evening that it was profound for us to open it on that day because it was the anniversary of the "I have a dream" speech from Dr. Martin Luther King. I echoed those words at the opening as well. Of course, that evening, Obama accepted the—so it was kind of a profound road for me that day. It was a great day of celebration for us. We never would have gotten there had we not had the partnership with the Ontario Trillium Foundation, who are really encouraging us to create this capacity and to have longevity.

With that, we've also just recently, as of two weeks ago, received our charitable designation, so now we have a foundation arm as well, so we're going to be working towards that end as well.

Those are the kinds of things that we want to do with the Trillium Foundation. Hopefully, as it matures, it will perhaps inform and influence social policy in this province as coming from the languages perspective of who we are as First Peoples in this province. So with that kind of quiet diplomacy, we're organizing ourselves and moving forward.

The diplomatic side: We've been endorsed by the Chiefs of Ontario in assembly. They've endorsed the establishment of this commission at arm's-length, similar to what a crown corporation would be to the government of any province, or the crown in Canada. We're really glad that they've seen that and looked at us as moving that forward.

We received a three-year commitment of just over $400,000 to move that forward, and we'll be speaking with our partners in education in this province and with the department of Indian affairs as well. So we're going to create this momentum.

This excitement is really going forward. It's really interesting talking to our own people about the notion of having more than just a culture and that we do have a civilization. Our youth are really looking at that as something that they want to explore more.

My other movement that I'm trying to champion with York University is to have Ontario's first master's and Ph.D. in indigenous thought, rather than just indigenous studies, in which we would study our logic, concepts and theory. I grew up in a time in the 1960s and 1970s when I was told that my logic, concepts and theory were nothing but myth, folklore and legend. We want to spin that around now and share the value of that, that it isn't just myth, folklore and legend. Those are concepts and theory that we believe in, how we evolved as First Peoples, or as a people in this part of the continent.

Those are the kinds of things I'm really excited about. I'm sure the language commission will be able to inform that as well.

The other group I work with is the Woodland Cultural Centre. You have another portfolio that I passed out. They have received over the years—the last decade, I think—some $140,000 or $145,000 in grants from the Ontario Trillium Foundation also for capacity building, infrastructure, to create a ramp and those kinds of things, and programming for youth, because we have a tour program there as well from the First Nations perspective

and the residential school perspective as well. The Woodland Cultural Centre closed in 1969 and became a cultural centre in 1972 on those grounds in Brantford, Ontario. That's my host employer. They're very thankful, too, for the Ontario Trillium Foundation.

In First Nations communities, we've always grown up thinking, and we've been told by several regimes, that we're the responsibility of the federal government, and we don't have a partnership with the province. But that's changing now with groups like the language commission and the outreach of Ontario Trillium Foundation. Those kinds of things are marrying really well for us in the community, and we're just now starting that. That's why we appreciate it. We're a stakeholder of the Ontario Trillium Foundation, and we hope that will continue.

So that's a little bit about what I do and the work that we're doing with the Ontario Trillium Foundation.

I know as well from meeting with them and developing our proposal for a multi-year agreement about the list of other groups that they've helped in the province. I know some of the organizations and agencies that they've assisted as well in First Nations communities, both urban and on-reserve. It's pretty impressive, some of the things that they are doing with some of the funding from the Ontario Trillium Foundation. Again, it's with the backdrop that we are always told that we are a "federal responsibility"—whatever that means. There are so many definitions of that. But now, I think, with the outreach of Ontario Trillium Foundation, that's changing, and I think you're going to see a lot of people come to the table trying to create a partnership, just like we did with the Woodland Cultural Centre and the Ontario Trillium Foundation.

Those are my words today. Thank you very much.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin our questioning with the NDP. Ms. Gélinas.

M^me^ France Gélinas: Thank you. Aaniin. My name is France Gélinas, and I'm from Nickel Belt, which is in and around Sudbury in northern Ontario. I raised my family in and around Whitefish, next to the Atikameksheng Anishnawbek. The kids from the First Nation came to school, and we had an Ojibway teacher at the school. First they thought they would take all of the kids from the First Nation aside for one hour a day to teach Ojibway. Then the parents got together and said, "This would be good teaching for all of the kids in there," and we started doing that. At Christmas, it was really cool. We always had a play in Ojibway by the kids, and some were kids from First Nation and some were not.

I live in rural Ontario; the school is closed, and some of the good programs that were specific to that school also closed. I'm certainly interested in knowing, because I lived through that experience and I saw the positive effect it had, is this the type of programming that could come from the new language commission?

Mr. Amos Key Jr.: Yes, that's what we're trying to do. We're trying to organize and inform the policy makers about that. Right now we are working with the Ministry of Education in creating that partnership. We want to be able to inform them. We want to be able to commission reports and academic and scholarly study, longitudinal as well, about the outcomes of acquiring or mastering a second language.

In our communities, we all went to English immersion, if you will. I knew my language when I went to school and I was into English immersion. So it didn't take anything away from me; it added to my life. But the government thought the other way; they thought that we shouldn't have languages. So you have a couple of generations now that have no language at all. Those are the ones that are hungry to try to hear and use the language. That's why we're trying to look at whether there is a willingness in this province and this country for all the stakeholders and partners and policy-makers to look at a bilingual education policy for us, because our early research is saying that the outlook and the outcome are positive.

I don't know whether that answered your question, but that's the kind of thing we want to do as a language commission.

1350

M^me^ France Gélinas: Very good. I can tell you that I'm from the francophone community, and when we got our own school board and when we got our own school, it made such a difference in the health of the francophone population. It belongs to us; it is run by us; it is for our children. It makes a world of difference. It has changed the francophone community in Ontario, and I have no doubt that it would do the same thing for the First Nations communities. I can tell you that you will have the support of this party to go along with those ideas.

I know you've mentioned a few times that you are the responsibility of the federal government, whatever that means. You did get a grant from the Trillium Foundation, and I'm very thankful for this. This is a very good program, and I'm glad it is there and it exists. But this is a one-time grant; it will end in another three to four years. How come the aboriginal affairs ministry didn't fund this on a continuing basis? How come you had to go through a grant?

Mr. Amos Key Jr.: I'll tell you: Because it's all about pro-English; it's pro-crown. They assist us with as few dollars as they possibly can. The department of Indian affairs is about English education; it's not about bilingual education for our people. So their policy right now states that it's an English education system.

In order for us to be funded for our bilingual immersion school board, our parents had to pull their children out of school. It took some physical demonstration, and then they reacted, of course. It's always a bad thing to do, I consider. I think if you can be informed, if you have conversations and then use the models that are already existing, like the francophone community, then I always ask, "What's wrong with this picture? Why can't we have the same?" That's my pet-peeve question. If you see my writings, I always ask that question: "What's wrong with this picture?"

I just love the passion of the francophone community in this country because they're able to retain their language. I just say, "Well, what happened to us?" I'm fortunate that I speak my language, and in my age group I'm one of maybe 10% who speak my language in my civilization, which is Onkwehonwe, or the Six Nations. It's like that in the north as well; it's getting like that in the north. The only ones who are holding their language at this point are the Cree and the Oji-Cree, which is a marriage of two languages. But you can talk to their technicians, and they're losing their language quickly as well. They're losing all of the nuances of their environment up there that's contained in their language.

The Chair (Mrs. Julia Munro): Sorry, we must move on. Mrs. Van Bommel.

Mrs. Maria Van Bommel: Thank you for coming. Meegwetch. I just want to go a little further with what Madam Gélinas started on, and that is the retention of the language. I know from my own experience in my riding, if I go to the school at Walpole, they're trying to teach the language again. You see little signs on everything. They're trying to teach the young people. But one thing that they noticed there as well, and I think that's what started all of this, was that their language rested with the elders. There's a whole generation in the middle that didn't have the languages, as France talked about, and they talk about trying to keep that. I also have Kettle and Stony Point First Nation in my riding, and they have a radio station that they are now using to try to broadcast to their people and to the outside community so that everybody understands what's happening there. Part of that is also language and preservation of the language.

But because the language resides with so few people, that so few are left who understand and speak the language, are you doing anything with the commission in terms of preservation, of recording the language, the stories that are part of your civilization?

Mr. Amos Key Jr.: Yes. In Ontario there's a network of cultural centres as well. Woodland is one of them. Since the beginning of my tenure there, I've made it a point to record verbatim all the ceremonies and as many stories as I can. We have digitized on computer, audiotape, all the music that goes along with the ceremonies, so that if you were to listen to them, you'd swear that you were right in the ceremony. That's how generous the elders were who gave us those recordings. There are centres like that in the province. One is in West Bay, the Ojibwe Cultural Foundation, Wikwemikong; in the north, the Nishnawbe Aski education authority is doing the same thing.

We want to be able to pull all those people together in a meeting and ask them what we need and do that kind of research, and then hopefully position ourselves with the new Ministry of Aboriginal Affairs. Hopefully, there's going to be a change within the department of Indian affairs as well. So what we're going to try to do with the commission is bring partners together and just rethink this so that we can enjoy a quality of life in this province that's also bilingual.

Mrs. Maria Van Bommel: You were talking about not just the language but the ceremonies and that. Is there an effort to teach the dances and recreate things like jingle dresses and that sort of thing for the young people, so they can enjoy what that means to them as part of their heritage?

Mr. Amos Key Jr.: Yes. We're collecting all those stories and we're encouraging—we have these celebrations called powwows in which you can actually practise a dance. So, yes, we're doing all those kinds of things. I invite you all to the great one at the SkyDome in Toronto at the end of November. I co-chair that festival. It's a humongous one. So people come there as well to see not only the dance, but the music and all art forms.

Mrs. Maria Van Bommel: And the food is great.

Mr. Amos Key Jr.: Yes. I helped to found the Canadian Aboriginal Music Awards, so that's part of that weekend as well. We're inducting Buffy Sainte-Marie. She's our first inductee into the hall of fame. So we're working at all those levels to raise the bar for ourselves.

The Chair (Mrs. Julia Munro): Any other comments? Mrs. Sandals.

Mrs. Liz Sandals: This is just fascinating. I've been looking at all your material here about the different language groups. Do you have any idea how many programs there are in schools associated with various First Nations where there is an emphasis on trying to preserve your language? I understand that your model is quite unique, but in other schools, are there other models?

Mr. Amos Key Jr.: The Chiefs of Ontario have that data and we're going to transfer that to this commission. We just started our commission two weeks ago, so we're going to get all that information.

Mrs. Liz Sandals: Okay. We understand why you haven't got it all done yet.

Mr. Amos Key Jr.: A year from now I could tell you precisely, probably, off the top of my head. This is the kind of work we're going to start doing, and working with universities and all of that. Early data coming out of a longitudinal study that York University is doing suggests that a bilingual person has a better chance of staving off Alzheimer's because they have brain gymnastics going on, because they're thinking in two languages. So just the health of that is something to investigate.

Mrs. Liz Sandals: And in your particular case, thinking in two cultures is even more complicated.

Mr. Amos Key Jr.: That's right. So there are some early studies that we're going to try to do with our people, as well.

Mrs. Liz Sandals: And will you be sharing that information with the Ontario Ministry of Education?

Mr. Amos Key Jr.: Yes. Because they have a new framework as well. So we've been talking with those folks as well.

Mrs. Liz Sandals: That's actually what was going on in the back of my mind: How does the work that you're doing mesh with the aboriginal plan within the Ministry of Education?

Mr. Amos Key Jr.: We've already met with them once, and we're going to create the partnership quickly and as strongly as it can be.

Mrs. Liz Sandals: Wonderful. Thank you very much for coming today.

The Chair (Mrs. Julia Munro): Mr. Barrett.

Mr. Toby Barrett: Thank you for coming, and thank you for the work you do on not only keeping some of the languages alive, but enhancing that, and also for your involvement with the Woodland Cultural Centre. I hope maybe some members of the committee have been down to the Brantford area.

1400

The Chair (Mrs. Julia Munro): Excuse me, could I ask you to move your mic a little closer?

Mr. Toby Barrett: I have trouble speaking English, let alone—but I do listen to CKRZ, the 100.3 radio station down in Six Nations, and I have my daughter listen. I enjoy the language program on there. It hasn't worked for me. Like I said, I have trouble with English; languages really aren't my thing.

Beyond that, we know there's involvement with McMaster and I think you mentioned York. What are we doing with some of the elementary schools or even at the secondary level as far as teaching some of these languages or getting kids involved in, as you say, not only the language but other things too, the way of thinking?

Mr. Amos Key Jr.: I think that's where the commission can start massaging and informing the Ministry of Education as well that there are some folks who want to have more language in their programming. Also, we have to inform Indian Affairs, who are on-reserve, as well. Those are the kinds of things with the new framework from the Ministry of Education on aboriginal education. When we sit down and start going forward together, we're going to inform each other about what needs to be done, so I think we're going to see a big improvement. As part of this framework, they've reduced the number of students required to host or promote a native-as-a-second-language course in a school system down to eight that would qualify for a subject course. It used to be 15; you had to have 15 students to make the program, but now it's reduced to eight. So they're making some changes like that. Now, with computer technology, that can be across the whole school board. If you had one student in this school in grade 3 and another one in another school but they were in the same school board, you could marry all of them through the computer system and do whiteboard technology to teach them in real time.

Mr. Toby Barrett: This summer, I was in Navajo country in northern New Mexico and learned a little bit more about the Navajo code speakers and their very important role during the Second World War. I think many know that story; a film was made. I wonder, what is being done in the United States, or even, say, with Mohawk or Cayuga in New York state, as far as language?

Mr. Amos Key Jr.: The United States has a bill on native languages that was passed, I think, in the last decade—I can't remember when—but the loophole with that, or the downfall of that, was that there were no resources attached to that bill; it was just that you can have a native language education. The next thing is, whatever happens in the United States, however they move funding or commit funding to that bill, that's what has to happen next. So we're doing the same kind of thing in Ontario as well, trying to identify or at least inform policy-makers that there needs to be some funding attached to whatever policy we set up.

Mr. Toby Barrett: Maybe a last question on the Woodland Cultural Centre: Has the funding for that been from the federal government? One reason I ask is, is it adequately funded? I'm thinking of security, for example. Things happen. I think there was a case just a year or two ago. Have we got proper security on locks, doors, windows and all of that to—

Mr. Amos Key Jr.: No. I'm sad to say that that program within the department of Indian affairs has been flatlined for 20 years. It has not had an increase. Just in the last three years they gave it a cost of living, but it doesn't talk in real dollars about program improvement, so we've had to cut a lot of staff and lay off staff as well.

Another grant the Woodland Cultural Centre got from the Ontario Trillium Foundation was to create a living and performing arts centre. To do it, we marketed and stacked some funding to do a feasibility study that cost us $100,000 six years ago. Our local MPP, Dave Levac, stopped into my office and said, "Let's try to resurrect that feasibility study." So what we're going to do now is, because the buildings are old, roofs are leaking—it's like that at every museum in Canada, if you really read the data on it, but ours is no different—we're going to try to tweak that feasibility study to include the museum and galleries for this performing arts centre. We're going to then launch a huge capital campaign to create Ontario's, and Canada's, first living and performing arts centre for First Peoples. It's called TNT, the Northern Thunder, as a working title for it. But it might become the BMO centre, or RBC. Who knows?

So we're involved with that too, to try to create and raise the arts as well. There are some great artists in our community as well, but there's no venue for them, except if they want to come to Toronto. Then they're on a docket with everyone else, using the facilities here. The only one that's close to us with that kind of vision is probably the Banff Centre, the aboriginal program over there. But we want to have one here in Ontario. In my issues paper, when I was creating it for my board, I said, "It can be what Shaw is to Niagara-on-the-Lake and what Shakespeare is to Stratford, and then we can market it internationally as well as a destination for First Peoples in this country."

Mr. Toby Barrett: It sounds good.

The Chair (Mrs. Julia Munro): Thank you very much for coming. Our time is up, but we certainly appreciate the opportunity you've given us to hear what you're doing.

Mr. Amos Key Jr.: Thank you very much. Thanks for inviting me.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Members, I would ask you to refer to your agenda. You will note that the first item on the second part of our afternoon agenda is the report of the subcommittee. I would ask Ms. Van Bommel—

Mrs. Maria Van Bommel: Thank you very much, Chair. You'll find the report of the subcommittee in front of you at the table, and I move its adoption.

The Chair (Mrs. Julia Munro): Is there any discussion? If not, all in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

DALE HEWAT

Review of intended appointment, selected by official opposition party: Dale Hewat, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): We will now move to the next part of our agenda, which is the appointments review.

Our first interview is with Dale Hewat, intended appointee as member, Human Rights Tribunal of Ontario. Good afternoon, Ms. Hewat. Please sit wherever it's convenient for you there. As you may be aware, you have an opportunity, should you wish to do so, to offer some comments to the committee. Subsequent to that, we will have questions from the members of the committee. Each party has been allocated 10 minutes, and the government's time will be that which remains of the time you use. Today our questions will commence with the third party. So if you're ready, you may begin.

Ms. Dale Hewat: Thank you, Madam Chair, and members of the committee. I will take the opportunity to make an opening statement.

This past Sunday, in the heat, I was running the Terry Fox run—along with probably thousands of Canadians, and maybe some of you—doing the 10K, and I completed it. But I had an opportunity during that run to contemplate—I'm a runner, so I always use it to contemplate things—how I would approach today's interview. I understand, and know, that you have already interviewed a number of appointees and have my application before you.

I want to focus on two things, the first being why I applied for the position of vice-chair at the Human Rights Tribunal of Ontario, and the second, based on the job descriptions for the vice-chairs, the skills and requirements, to explain why my legal and life experiences make me qualified for the position.

I still actually have the original career advertisement from March 30, 2007—I have it somewhere in here—that I ripped out of the Ontario Reports. At the time, I had been home for a number of years, primarily managing our family of four children—we now have a dog; don't ask me why—and I was involved in various community, school and philanthropic activities. But I had been seriously thinking about how much I enjoyed being neutral. I was interested in alternative dispute resolution mechanisms, so the advertisement of the vice-chair position at the Human Rights Tribunal immediately appeared to me as an opportunity to resume my career.

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Just as general background, I've always had an interest in human rights, dating way back to law school, which was 1986. I graduated from the University of Western Ontario. I was fortunate to be awarded the Sher Singh Prize in Civil Liberties for a paper that I wrote on discrimination on the basis of disability and the duty to accommodate, and from that award I received a scholarship to attend a two-week training program on human rights in Canada, in Prince Edward Island. I worked at CLEO, Community Legal Education Ontario, which I'm not sure exists any longer, as a summer student and prepared and researched papers on mental health issues and human rights issues in the workplace. One of my favourite memories in undergrad was at CHRW, the University of Western Ontario radio station, where I was able to interview Alan Borovoy, who at the time was head of the civil liberties commission of Canada.

So, getting to the job description: Generally looking at it and reviewing it, but not covering everything, as a vice-chair I would be required to adjudicate and mediate disputes, conduct hearings, make rulings, write decisions in an organized and timely way, and consider alternative ways to resolve disputes. I would also be required to be objective and fair, consider conflicting evidence, and also always be sensitive to the tribunal's mandate and core values for a fair, open, accessible process and to provide an opportunity for fair, just and expeditious proceedings for the resolutions of applications under the code.

In terms of my own skills and requirements, I have the legal background, as a lawyer practising primarily labour and employment law, in which I dealt with administrative law issues and human rights issues, both as an associate at Fraser and Beatty, which is now a different firm, Fraser Milner Casgrain, and as in-house counsel for Humber College between 1990 and 1995. More importantly, I have the relevant adjudicative experience, from both my time as a vice-chair at the Ontario Labour Relations Board and as a Ministry of Labour-approved private arbitrator between 1995 and 2002.

So I have conducted a number of hearings; I have engaged in dealing with a wide range of issues, some involving very contradictory evidence, requiring me to make decisions on credibility. I've chaired hearings involving unrepresented parties, single parties and multiple parties. I have acted as a single vice-chair and also been a vice-chair on a panel of three in a tribunal. I've case-managed: When I was at the Labour Relations Board, vice-chairs did not engage in mediation, but I did case-manage and issued a number of decisions, after hearing submissions, either verbal or written, to order specific information from the parties within certain timelines so that I could organize the case and run an expeditious hearing. I've written numerous decisions, none of which

have been appealed. Looking back at some of those decisions, I believe they were organized, they were understandable, they appropriately dealt with the law and evidence before me, and they were issued in a timely manner, particularly where time was of the essence. I've engaged in mediation with parties as a private arbitrator and, in terms of other training, completed the Harvard model of mediation course with the Advocates' Society of Ontario and taken a tribunal training program with the University of Western Ontario.

More recently, I've joined with a company called CenterPoint Inc. on a fairly part-time basis. It's a dispute resolution company. My main role has been to help provide two-day training courses on a method of dispute resolution and facilitation called corporate circles. Last year, I had the honour of being able to sit on a panel and present the notion and model of corporate circles at last year's Ontario Bar Association ADR annual meeting.

So to sum up, as a person, I feel that I'm open-minded. I'm willing to take on new responsibilities, to learn. I think it's an exciting time for the Human Rights Tribunal. A lot of time and effort has gone into creating the legislation. Stakeholders have given a lot of input. I'm excited to have the opportunity to be part of that process. I'm confident that I can ensure neutrality and objectivity and be sensitive.

I'm happy to address any questions you have with regard to my qualifications for the position.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin with Ms. Gélinas.

M^me^ France Gélinas: Good afternoon, Ms. Hewat. It's a pleasure to meet you.

Ms. Dale Hewat: Thank you.

M^me^ France Gélinas: I must say that you look very qualified and competent to do the position that you've applied for at the Human Rights Tribunal. I would have two quick questions for you. The tribunal has a mandate to offer services in French. Are you in a position to do that?

Ms. Dale Hewat: No, I am not.

M^me^ France Gélinas: Okay. And just your knowledge of—a part of Ontario which is close and dear to me is northern Ontario—the situation and activities in northern Ontario: Have you had any dealings in northern Ontario? Have you done work with groups from northern Ontario?

Ms. Dale Hewat: A number of years ago, I did a couple of labour arbitrations—I'm not sure how far north in northern Ontario—in Sudbury—I know Ontario goes a lot farther north than that—but not recently.

M^me^ France Gélinas: Okay. Those were my two questions. Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. Mrs. Van Bommel?

Mrs. Maria Van Bommel: I want to thank you, Ms. Hewat, for appearing before this committee today. I can tell by the fact that you have four children that you probably have lots of exposure to arbitration and litigation.

Ms. Dale Hewat: I was thinking of putting that in. I've honed alternative dispute resolution—family.

Mrs. Maria Van Bommel: I was going to say sometimes that's the most challenging of all that you'll experience. Thank you very much.

The Chair (Mrs. Julia Munro): Anything else? Okay. Ms. McLeod?

Ms. Lisa MacLeod: Welcome. Thanks for coming. Just to follow up with something my colleague from the New Democrats said, she had asked you if you were able to adjudicate in French and she also wondered if you knew a little bit about this vast province we've got. I just want to make a comment and it is not to you, it is actually to the government.

My concern is with the amount of Human Rights Tribunal appointees we've brought before this committee. A large number are from Toronto. Right now, we've got somebody before us who is from Kathleen Wynne's riding of Don Valley West in Toronto. Somebody can correct me if I'm wrong, but we don't have a francophone member on this committee.

Interjection.

Ms. Lisa MacLeod: We do? Because I remember my colleague asking this several times throughout the previous deliberations and it's a big concern for folks in the city of Ottawa and I know in different parts of northern Ontario. I think if you're going to make the composition of a new Human Rights Tribunal, a new system of human rights in the province of Ontario, you're going to have to get it right. So I have a big concern there.

With the matter at hand—and I do appreciate you coming here today—it's no secret that the official opposition will be opposing and has opposed the Human Rights Tribunal as this new system is set up, and it's because we have a concern. We've had many of your future colleagues before us in this committee who have refused to answer on issues of conscience. In fact, it actually made it into a Globe and Mail article.

Today in the newspaper, the National Post is writing about the Ontario Medical Association's opposition to the Ontario College of Physicians' response to the Ontario Human Rights Commission. Are you aware of this issue?

Ms. Dale Hewat: No.

Ms. Lisa MacLeod: The Ontario Human Rights Commission came forward and said that "doctors, as providers of services that are not religious in nature, must essentially 'check their personal views at the door' in providing medical care."

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A man whom I deeply respect in the city of Ottawa, Rabbi Reuven Bulka of the Congregation Machzikei Hadas, pointed out—and this is not a direct quote, but I will give Hansard the direct quote—that this could be applied to doctors who not only refuse to prescribe birth control pills or do fertility treatments for same-sex couples, but it would also impact those who refuse to offer referrals to doctors who do those things. Rabbi Bulka, who is a man of great stature in the city of Ottawa, says, "Referring is just a way of sloughing off your responsibility. If you're opposed to these things, referring is the same as taking part in the evil."

I'm wondering if you have a position on the Human Rights Commission of this province forcing physicians to undertake practices that they do not deem conscionable?

Ms. Dale Hewat: I haven't read the newspaper article, and that's a lot of information for me to analyze. The medical profession has its own disciplinary board. I'm not sure if that's correct, and—

Ms. Lisa MacLeod: In this case, actually, what has happened is that the Ontario Human Rights Commission has heavy-handedly so-called "encouraged" the college of physicians to redraft its human rights code. They've come out with a draft policy entitled Physicians and the Ontario Human Rights Code. It deals with physicians' obligations with respect to engaging in medical acts to which they may have a conscientious objection and referring patients for such procedures. I think it's a simple, straightforward question: Do you believe that physicians should be respected for their own conscience, or do you think that the Human Rights Commission must tell individual physicians that they must work on or refer a patient, even if they do not deem it conscionable?

Mr. Kevin Daniel Flynn: On a point of order, Madam Chair: With the scarcity of information that's available on that, I think it's very unfair to ask somebody, who has come here to be asked questions by each member of the party about their qualifications for a job, something specific to a judgment based on very scant information.

Ms. Lisa MacLeod: Madam Chair, if I may respond to that?

The Chair (Mrs. Julia Munro): Yes. We'll just hear one person at a time. Thank you.

Ms. Lisa MacLeod: In terms of this, I think I've made it quite clear throughout the deliberations with the Human Rights Tribunal that this is a brand new human rights system with a massive number of appointments being made—I believe 22 over the course of the summer. We are creating a new system and it is important that the people of Ontario, including this Legislature, understand what direction this tribunal will take in terms of its decisions, whether that is three months from now, six months from now or two years from now. Some of these are so subjective, some of the decisions that these previous commissions have been making, that I think it's important that we understand what individuals' philosophies are.

Mr. Kevin Daniel Flynn: My point is, you don't get a person's philosophy out of giving them three sentences and asking for their judgment in a hypothetical case.

The Chair (Mrs. Julia Munro): Thank you very much, Mr. Flynn, and thank you, Ms. MacLeod. It is my judgment that the opportunity to provide something in Hansard with regard to a newspaper article is fair enough to offer, but it's also an opportunity for the individual to suggest, as she has, that she is not fully informed about this. So I would ask, having made public the information that has troubled you, which is the important point on your side, that Ms. Hewat have the opportunity in this process to explain her position on the particular issue. I'd ask you to move on, if you have further questions.

Ms. Lisa MacLeod: I think that just about says it. I'll leave with one final quote from Sean Murphy of the Protection of Conscience Project. This is a group that tries to protect the rights of health workers. He said of the new document, which the Human Rights Commission has sort of forced upon the college of physicians: "It's more clear in this document that the bogeyman is the Ontario Human Rights Commission." Thank you, Madam Chair.

The Chair (Mrs. Julia Munro): Any further comments? Seeing none, thank you very much for coming, and we will move on to the next appointment.

SARI SAIRANEN

Review of intended appointment, selected by official opposition party: Sari Sairanen, intended appointee as member, Workplace Safety and Insurance Board.

The Chair (Mrs. Julia Munro): Our next interview today is with Sari Sairanen, intended appointee as member, Workplace Safety and Insurance Board. Good afternoon, and welcome to the committee. As you will have observed, we have 30 minutes. You are able to make a statement during that time. We will then have questions from the members in rotation. If you are ready?

Ms. Sari Sairanen: I am certainly ready, and I do have an opening statement that I'd like to make. Thank you, and good afternoon, Madam Chair and committee members. I thank you for this opportunity to speak on the appointment, my background, my interests, my values and how I can contribute to this appointment.

I am originally from Finland. I came to Canada as a young child. I grew up in Saint-Jean, Quebec, in a francophone town, and then spent my formative years in Winnipeg. From there, I went to the University of Winnipeg. I studied economics and French, and then I went to Université Laval to further my studies in economics. I did a double whammy; I did that in French in graduate school. After about a year, I returned to Manitoba and went to the University of Manitoba to further my studies.

It was during my course of studies at the University of Manitoba that I was introduced to occupational health and safety, and that area has interested me since. As I mentioned, I did graduate work at Université Laval, and that's what I continued doing at the University of Manitoba. My thesis work investigated the hypothesis that when you have unionized, organized labour jurisdictions, that would interpret itself into safer workplace environments. I used Canada and Finland as a study ground, Finland having a very high density of unionized workplaces compared to Canada.

After my studies, I was hired by Air Canada as a customer sales and service agent and thus became a unionized member, part of Canadian Auto Workers. It was through my affiliation with Canadian Auto Workers that I was able to move into different elected positions. I started out as health and safety, I moved on into collective bargaining and then I ended up being the president of

the airline local, representing roughly 10,000 airline workers across Canada, the majority of them being in Ontario.

It was during this period that I was fortunate, and unfortunate, to be part of the restructuring of the airlines. As you know, Air Canada in 2003 filed under the CCAA protection program, and that became a very unusual existence. You were sort of in a fishbowl, not only by your own membership but also by the media and the business community, of "How do you restructure a legacy carrier like Air Canada?" It was a very stressful time for myself and for our members in finding that medium that allowed us to survive and have jobs to go back to. It was fascinating to participate in the debates as well as the actual bargaining itself. It's not always easy when you're not in control of your own destiny, when you have a judge who is appointed, as well as a money individual; once the assets of the employer are locked down, how the assets are divided or shared equally as best they can be among all of the stakeholders.

All of these interests, not only my thesis work but also my involvement in Air Canada, gave me a great understanding and appreciation of public policy, of how public policy has to balance the interests of the different stakeholders, whether it's the employer priorities, the community at large or the labour rights. It is a fine balance, and you find that fine balance by having good dialogue and open dialogue with all of the stakeholders.

That ends my opening remarks.

The Chair (Mrs. Julia Munro): Okay. We'll go to government members. Mrs. Van Bommel?

Mrs. Maria Van Bommel: We have no comments and no questions. Thank you.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much. We appreciate you attending here today. I just have one question for you. Our labour critic in the official opposition, Bob Bailey, has raised an issue in the Legislature this past spring about bringing the Auditor General in to look at the financial affairs and other funding situations at the WSIB. I'm wondering if you believe that the Auditor General should be allowed into the WSIB to do independent investigations.

Ms. Sari Sairanen: What would the investigations be on? Are there specific areas that they'd be looking at? Or was that just in general saying that there's something rotten in the house?

Ms. Lisa MacLeod: The Auditor General—my colleagues can correct me if I'm wrong; there are a few of us who used to be on public accounts—will go into different government agencies and different government departments to look at their operations, how they spend their money. There was a concern earlier in the year, I'm not sure if you're familiar with it, in the spring, where I believe it was the chair who had spent a lot of money on hospitality in the national capital. I think that was the issue, to see if we could actually go in to make sure all the dollars were accounted for.

Ms. Sari Sairanen: I'm aware of the criticism that was in the press on that as well. I think everybody should be accountable equally. If there are other agencies as well that have any public criticism on how funds are spent, I think people as individuals and as public servants certainly do need to be accountable for it. Sending the general accountants, the agency, in to look at expenses—is there no other way of doing that?

Ms. Lisa MacLeod: I don't think it would just be expenses in terms of making sure that all the money that's allocated to the WSIB gets to the people—

Ms. Sari Sairanen: But is that not accounted for on a yearly basis?

Ms. Lisa MacLeod: I guess it's in the eye of the beholder how that's accounted for. My colleague Randy Hillier, who sits on this committee generally, at last committee said, "WSIB actually encourages employers to be deceitful or cheat on the system instead of reporting minor incidents or accidents, just because the cost and the process is onerous. There's a quote from the president of the Ontario Federation of Labour saying exactly that: 'We have a system that encourages employers to lie and cheat to WSIB.'"

We had the OFL president here yesterday; it would have been good to have him here today. I'd like your comment on that: Is that something that you believe is a prevalent belief among Ontarians?

Ms. Sari Sairanen: I think we're all accountable to the taxpayers for how we utilize funds if you are in the public arena.

Ms. Lisa MacLeod: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. Ms. Gélinas.

M^me^ France Gélinas: Thank you for coming, and welcome to Queen's Park. I appreciate the time you've taken to explain your background to us and find you very brave to join an organization such as the WSIB.

There have been changes to the act with Bill 185, specifically about the deeming. Before, injured workers could have been deemed to have found work when really they hadn't. This was repealed in the act by legislation, but there seems to be a culture within the WSIB that still continues the old practice. Are you aware of it and are you aware of what you're stepping into?

Ms. Sari Sairanen: I'm very well aware of it. As you've probably seen from my resume, I'm the national director of our health and safety department for the Canadian Auto Workers, so I deal with workers' comp. issues at all of the provincial levels across the country. Certainly deeming is not an easy topic for any of our jurisdictions, and certainly our injured workers in Ontarians feel very negatively towards deeming, that you're deemed to do a certain job even though your qualifications are much broader than that. That goes into different arenas of it. I understand that it is a very hot issue, a very contentious issue and a very profound issue for injured workers, how you address it and how you balance that interest with all of the stakeholders.

M^me^ France Gélinas: I wish you luck with your new appointment. Certainly, if you can do anything to change the culture, it would be greatly appreciated by this party.

Ms. Sari Sairanen: Thank you.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questions from the members. We appreciate you coming here today. Thank you.

Ms. Sari Sairanen: Thank you for your time.

The Chair (Mrs. Julia Munro): Members, I have learned that we are going to have to take a recess for a few minutes. I'm going to ask that you be back by 3. We will recess between now and 3 o'clock.

The committee recessed from 1434 to 1502.

The Chair (Mrs. Julia Munro): Good afternoon. We are going to resume the Standing Committee on Government Agencies and the appointments review.

FAISAL BHABHA

Review of intended appointment, selected by official opposition party: Faisal Bhabha, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): I would now ask that Mr. Faisal Bhabha come, who's the intended appointee as member and vice-chair, Human Rights Tribunal.

Welcome to the committee. As you may know, you have an opportunity to make some statements. We have 30 minutes in total, and the time that you take will be deducted for the government members. We will go around in rotation, and we will start with the official opposition. You may begin as soon as you're ready.

Mr. Faisal Bhabha: Good afternoon. I'm delighted to be here today and to have the opportunity to speak with you about my qualifications and my interest in this tribunal.

Let me tell you a little bit about myself. I was born outside of Toronto to a francophone Québécois mother and an immigrant South African father. Both were newcomers to Ontario and had settled in Toronto, which, 40 years ago, was just beginning to evolve into the multicultural city that it is today.

My understanding and appreciation of human rights and anti-discrimination was ingrained in me from a young age, as I watched both from afar, the struggle to bring an end to apartheid in South Africa, and from close up, the successes of Canada's proactive approach to embracing diversity and enhancing equality.

After completing my B.A. in history and political science at the University of Toronto, I began law school at Queen's University in Kingston. I had spent my whole life in and around Toronto and deliberately sought out the new experience of life in a smaller Ontario city.

After my second year of law school, I decided to take some time away from studies to travel and to gain some hands-on experience doing international human rights work. I ended up spending two years in the Middle East, where I worked with organizations on both sides of the Palestinian-Israeli conflict.

I returned to Canada to complete law school and began my articles with a prominent labour law firm in Toronto. During my articles, I first began to learn about human rights litigation in Ontario. Representing unions, I saw how sometimes employers were the respondents in complaints and at other times it was the unions. I learned very quickly that human rights are not partisan or ideological and that thinking about it in terms of good guys and bad guys would not get one very far.

Following my call to the bar, I began practising with a small firm specializing in human rights practice, which was, and I think still remains, an underdeveloped area of specialization. My practice was overwhelmingly on the complainant side, largely because the firm's motto of accessible justice meant that we filled a vacuum in legal services for individuals who had nowhere else to turn for representation.

I was known in my firm as someone who could handle the most difficult client and who could find common ground amid the most intractable problem. It was always my view as an advocate that 90% of the time negotiations have a far better likelihood of yielding a mutually satisfactory result than litigation. This was a philosophy I put into practice in my cases, with I think a pretty good rate of success.

In addition to my role as an advocate, I also wore the hat of a non-partisan human rights expert. I was involved in consulting projects for the Accessibility Directorate of Ontario and for the Canadian Human Rights Commission. I was appointed amicus curiae, or friend of the court, in a case before the Nunavut Court of Justice involving a Charter of Rights claim on behalf of a seriously disabled aboriginal child against the government. The court appointed me as an expert to provide an objective perspective on the charter equality issues in the case. In this role, I had to gain the trust of both sides—the government and the family—and I played a significant role in helping bring them to a mediated settlement before the case even got to court.

I've also appeared as counsel representing public interest interveners in two charter cases before the Supreme Court of Canada. My expertise in human rights and anti-discrimination work earned me an appointment to the equity advisory group of the Law Society of Upper Canada, which is the governing body of the legal profession in Ontario. I've also been invited to speak at numerous public legal education events concerning anti-discrimination, constitutional law, disability, access to justice and multiculturalism.

After practising law for a few years, I decided to return to the academic arena to take some distance from my experiences as an advocate and to complete a Master of Law degree at Harvard. Pieces of my research have been accepted for publication as articles in journals like the Queen's Law Journal, the McGill Law Journal and the Supreme Court Law Review. I also spent three months as a visiting researcher with the Centre for Applied Legal Studies in Johannesburg, South Africa. I benefited greatly from the comparative perspective of seeing how that country, which has very young human rights institutions, has sought to address its deep historical inequalities. I was also surprised to see how much

South Africa has borrowed from the Canadian charter and from our human rights jurisprudence.

In sum, I'm confident that I would practice fair and impartial adjudication as a vice-chair with the Human Rights Tribunal and I look forward to the opportunity to fulfill this important and honourable public function.

I'd be pleased to take your questions now.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin with Ms. McLeod.

Ms. Lisa MacLeod: Thank you very much, Madam Chair. I appreciate you attending here today. You said your mom was francophone. Are you able to deliberate in French and in English?

Mr. Faisal Bhabha: No. I'm comfortable in conversational French, but I've never studied in French or practised in French.

Ms. Lisa MacLeod: So it would be an impediment, then, to actually adjudicate in French?

Mr. Faisal Bhabha: I'm not sure what you mean by an impediment.

Ms. Lisa MacLeod: I guess you won't be able to adjudicate in French.

Mr. Faisal Bhabha: No.

Ms. Lisa MacLeod: Okay. I apologize if that was misconstrued.

I just want to make another point to the government: again, another Toronto appointee who isn't able to communicate in French.

I want to talk a little bit about your work with the Ontario Human Rights Commission that you've done in the past.

Mr. Faisal Bhabha: Sure. Just to clarify, I'm able to communicate in French. I wouldn't be able to adjudicate in French.

Ms. Lisa MacLeod: Okay, you can't adjudicate in French.

I would like to know a little bit more about the nature of the work that you've done with the Ontario Human Rights Commission. I see that there's a scholarly publication, Human Rights Issues in National Security: An Inventory of Agency Considerations. This was a report for the Canadian Human Rights Commission in June 2007.

Mr. Faisal Bhabha: Yes. I've never done any work for the Ontario Human Rights Commission.

Ms. Lisa MacLeod: Just the Canadian Human Rights Commission.

Mr. Faisal Bhabha: Yes.

Ms. Lisa MacLeod: I notice in terms of national security, you have written about three publications with respect to that issue: balancing human rights with national security.

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Mr. Faisal Bhabha: I've published I believe two articles in legal journals and co-written that piece for the Canadian Human Rights Commission, which was commissioned by the commission.

Ms. Lisa MacLeod: Did each of the articles have similar conclusions and recommendations?

Mr. Faisal Bhabha: No. I would say that each of the three pieces was very different in orientation and consideration. They all looked at questions of the intersection of human rights and national security, but the purposes of the projects were different and thus the conclusions were different.

Ms. Lisa MacLeod: Could you tell me a little bit more about the report in June 2007 on the human rights issues in national security and inventory of agency considerations?

Mr. Faisal Bhabha: The report is one that I co-authored with a number of my colleagues. I can't even remember how many of us are listed as authors on there. My contribution to that report was very minor, and it consisted of some of the contextual factors to consider when balancing human rights protections and national security imperatives.

Ms. Lisa MacLeod: Okay. Could you be more explicit about that?

Mr. Faisal Bhabha: I helped to sketch out some of the broader factors to consider when looking at the balance between equality and antidiscrimination in particular in the application of the law, the development of important national security initiatives to ensure that the country is safe and, in navigating that terrain, how to reach the right balance in promoting a society that is both equal and safe.

Ms. Lisa MacLeod: Just out of curiosity, there is another article that you had written in 2003: Tracking "Terrorists" or Solidifying Stereotypes? Canada's Anti-Terrorism Act in Light of the Charter's Equality Guarantee. Could you give us the conclusion to that report? What did you find in terms of tracking or solidifying?

Mr. Faisal Bhabha: It wasn't at all a report; it was a scholarly article. I was examining what was at the time still a bill, which was the proposed Anti-terrorism Act, which contained amendments to the Criminal Code and other legislation. I was speculating on what impact the adoption of this act might have on people from certain communities who might be adversely affected by the application of that act.

Incidentally, one of my predictions or observations was subsequently confirmed in a case where a court struck out part of the definition of "terrorist activity" on the basis that it violated the charter.

Ms. Lisa MacLeod: I just have two quick questions. One is, with this appointment, will you continue your work with Bakerlaw?

Mr. Faisal Bhabha: No.

Ms. Lisa MacLeod: Okay. So that will end when you begin employment?

Mr. Faisal Bhabha: It will end in approximately two weeks or so.

Ms. Lisa MacLeod: Okay. And the final question is: I thought I may have heard, but I wasn't sure, that you have lived in parts of Ontario other than just Toronto?

Mr. Faisal Bhabha: Kingston.

Ms. Lisa MacLeod: You lived in Kingston.

Mr. Faisal Bhabha: Yes.

Ms. Lisa MacLeod: Okay, I wasn't sure. I thought you said it, but I didn't hear it. Thank you very much.

Mr. Faisal Bhabha: Thank you.

The Chair (Mrs. Julia Munro): M[me] Gélinas.

M[me] France Gélinas: Bonjour. Je vous ai entendu dire que vous pourriez parler français. Est-ce que ça va si je vous pose les questions en français?

M. Faisal Bhabha: Absolument. Mais peut-être que je vais répondre en anglais, si c'est d'accord pour vous?

M[me] France Gélinas: C'est pour vous. Ça ne me dérange pas.

La première, c'est que je ne sais pas comment prononcer votre nom.

M. Faisal Bhabha: Faisal.

M[me] France Gélinas: Bonjour, Faisal. Est-ce que, dans votre pratique et jusqu'ici, vous avez eu la chance de rencontrer des francophones et de les représenter, même si vous ne les représentiez pas en français?

Mr. Faisal Bhabha: Let me think. I have represented quite frequently people who speak English as a second language. Many of those, or at least some of those, would have been francophones. When I have the opportunity to represent somebody who speaks French as a first language—there's a lot to lawyering other than making legal representations in court and making arguments, so in the casual conversations, I use my knowledge of French as much as possible. I've worked with French-speaking colleagues. We had an articling student in our office last year who was a francophone, and we at times would converse in French. She was beginning to get us involved in issues of language equality rights.

M[me] France Gélinas: Est-ce que vous pouvez lire ou écrire le français?

Mr. Faisal Bhabha: Not so well anymore, because I'm out of practice.

M[me] France Gélinas: Du côté de votre connaissance de l'Ontario—moi, je viens d'un comté qui est dans le nord de l'Ontario qui s'appelle Nickel Belt. C'est autour de Sudbury. Je me demande si vous avez eu l'opportunité de venir travailler ou de représenter des cas ou des personnes qui demeurent dans le nord de l'Ontario.

Mr. Faisal Bhabha: No, I've never had the opportunity to work in northern Ontario. As I mentioned in my statement, I've spent time in the north, the Arctic, in the territory of Nunavut, working on the case that I've described. I've had the chance to travel through northern Ontario a fair bit; I've been to Sudbury, Thunder Bay and to other parts of the north. I think it's beautiful and I would love to go back again sometime.

M[me] France Gélinas: Lorsque vous avez fait application pour le tribunal, est-ce qu'on vous a demandé vos connaissances de la langue française?

Mr. Faisal Bhabha: Yes.

M[me] France Gélinas: Puis, est-ce que c'était une condition d'embauche ou quoi que ce soit?

Mr. Faisal Bhabha: I'm not sure I understand.

M[me] France Gélinas: Est-ce que c'était une condition d'embauche ou ce n'était pas nécessaire pour avoir le travail?

Mr. Faisal Bhabha: I know that it was a question that was asked and there was great interest as to whether I would be able to conduct a hearing in French, and I've indicated that my comprehension is fluent, or relatively fluent. I think it would be a challenge to—I think it's always a challenge to work in one's second language, and French is my second language. I wouldn't feel comfortable to adjudicate a case in French at this point. That's not to say that I couldn't—at one point in my life, I'm told by my mother, French was my primary language, at least the first language that I understood, and I suspect that it's somewhere deep inside, and perhaps it could be uncovered one of these days.

M[me] France Gélinas: Je vous remercie, monsieur.

Mr. Faisal Bhabha: Thank you. Merci.

The Chair (Mrs. Julia Munro): Thank you very much. Mr. Leal.

Mr. Jeff Leal: Sir, you have impeccable credentials and I think you could do a tremendous job with the Human Rights Tribunal, and we should be supporting you unanimously this afternoon.

Mr. Faisal Bhabha: I appreciate that.

The Chair (Mrs. Julia Munro): Thank you very much. I believe that concludes the questions from the committee. We certainly appreciate your being here today.

Mr. Faisal Bhabha: Thank you all for being here.

LORNE SLOTNICK

Review of intended appointment, selected by official opposition party: Lorne Slotnick, intended appointee as member, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Our next interview is with Lorne Slotnick, intended appointee as member, Human Rights Tribunal of Ontario.

Good afternoon, Mr. Slotnick, and welcome to the committee. As you will know from observation, we have an opportunity to hear from you and then, if you should wish to, we'll have questions in rotation by members of the committee. So if you're ready, you may begin.

Mr. Lorne Slotnick: Thank you, and good afternoon, committee members. Thanks for the opportunity to be considered for appointment as a part-time member of the Human Rights Tribunal of Ontario. I have a brief statement, and then I'll be happy to try to answer any of your questions.

As you'll see from my resumé, which I believe you have, I have considerable experience in dealing with disputes about employment relationships, which are the source of a large majority of human rights complaints. I also have a wide variety of experience as an adjudicator and as a mediator. I have a law degree from the University of Toronto and was called to the Ontario bar in 1979. I have worked as a journalist, a labour negotiator, and for the past eight years I have run an independent mediation and labour arbitrations practice. I also served part-time for several years during the 1990s as an adjudicator with the human rights board of inquiry, which is the pre-

decessor to the current Human Rights Tribunal of Ontario.

The newly revised Human Rights Code mentions three criteria for appointment to the tribunal, and I want to highlight some of my background in light of those areas. First, the code calls for experience and knowledge of human rights law and issues. As I mentioned, I have adjudicated human rights complaints for the old board of inquiry. In addition, as a labour arbitrator, I have dealt with numerous cases that raised human rights issues, including accommodation of disabilities and workplace harassment. As a mediator under the Superior Court of Justice's mandatory mediation program in Toronto, Ottawa and Windsor, I've assisted the parties in settling many wrongful dismissal actions that include human rights aspects such as allegations of age discrimination or failure to accommodate disabilities.

Second, the code mentions an aptitude for impartial adjudication. As the committee members may know, labour arbitrators receive the bulk of their work by agreement between unions and employers to have a particular arbitrator hear a case. My arbitration practice depends on maintaining the confidence of both parties—unions and employers—and that I will be fair and impartial. My ability to establish and expand my labour arbitration practice is proof of my ability to be fair and neutral.

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Finally, the code calls for aptitude for applying alternative adjudicative practices. As you're aware, mediation is very prominent in the tribunal's approach to a caseload that is expected to increase dramatically under the new system. The first mediations I conducted were of human rights cases for the old board of inquiry more than a dozen years ago. Since then, I have mediated employment and labour disputes at the Ontario Labour Relations Board, auto insurance disputes at the Financial Services Commission of Ontario, complaints of professional misconduct at one of the health profession colleges, a wide variety of Superior Court cases under the mandatory mediation program and, of course, many union-management grievances.

I have also, on occasion, conducted short hearings where, as adjudicator, I've taken a more active role in narrowing issues and questioning witnesses than is traditionally used in lengthy cases. This is the kind of alternative adjudication that the tribunal wants to encourage. This broad experience in alternative dispute resolution will, I hope, be useful to the Human Rights Tribunal.

I want to end by saying that it was through my human rights work at the board of inquiry that I realized I could be an effective adjudicator and mediator. I now look forward to making a contribution to the tribunal at this interesting and exciting time in the history of human rights in Ontario.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin our questions with Ms. Gélinas.

M^me^ France Gélinas: Good afternoon, Mr. Slotnick.

Mr. Lorne Slotnick: Hi.

M^me^ France Gélinas: Welcome to Queen's Park.

Mr. Lorne Slotnick: Thanks.

M^me^ France Gélinas: I'll ask the question I ask everybody who comes in front of this committee: Are you able to work in or speak French?

Mr. Lorne Slotnick: My French is too basic to run a hearing in, I'm afraid.

M^me^ France Gélinas: Okay. You know that the tribunal will be hearing cases from all parts of Ontario, which includes a part that's very near and dear to me, which is northern Ontario. I'm curious to know your dealings and the work that you have performed for, and in, northern Ontario.

Mr. Lorne Slotnick: Well, I've done hearings in my labour arbitration practice. I have done hearings in North Bay, Sudbury, Sault Ste. Marie, Timmins, Thunder Bay and a lot of the smaller centres also—New Liskeard, Cochrane, Sioux Lookout, Red Lake. I've been to northern Ontario many times, and I notice that you represent the great riding of Nickel Belt. For the last 25 years, I've been a frequent visitor to Nickel Belt because that is where my wife grew up and much of her family still lives. So I know your area of the province very well.

M^me^ France Gélinas: Very good. Those were my questions. Thank you.

Mrs. Maria Van Bommel: I want to just thank you, Mr. Slotnick, for coming here this afternoon. I certainly appreciate your taking your time.

Mr. Lorne Slotnick: That was an easy one.

Ms. Lisa MacLeod: You can always count on them to let a free ride be had. I'm just wondering if—

Interjection.

Ms. Lisa MacLeod: Pardon me?

Mr. Kevin Daniel Flynn: We just know quality when we see it.

Ms. Lisa MacLeod: Oh, yes.

I'm looking at your resumé. You've stated very clearly that you were only looking for a part-time position.

Mr. Lorne Slotnick: That's correct.

Ms. Lisa MacLeod: Can you state why?

Mr. Lorne Slotnick: As I mentioned, I have a labour arbitration and mediation practice, and I started that about eight years ago. I've built it up from scratch. I regard this as a complement to it, but I'm not willing to give up my labour arbitration practice.

Ms. Lisa MacLeod: Do you do any work with the Ontario government?

Mr. Lorne Slotnick: No. I do some work in the public sector. I've done arbitrations with hospitals, municipalities and so on, but I don't do anything with the Ontario government.

Ms. Lisa MacLeod: The other question I have: I noticed that you are doing work with the Canada Labour Code as a part-time adjudicator.

Mr. Lorne Slotnick: That's correct.

Ms. Lisa MacLeod: Are you going to continue to do that job or are you going to remove yourself from that?

Mr. Lorne Slotnick: No. I do adjudications under the Canada Labour Code. These are unjust dismissal alle-

gations and I'm the neutral adjudicator. At most, I probably do about five cases a year from that. I'm on a list of people who are appointed to those cases by the—

Ms. Lisa MacLeod: You will be holding the federal appointment at the same time you will hold the provincial appointment?

Mr. Lorne Slotnick: It's not really an appointment; it's just case by case—

Ms. Lisa MacLeod: Well, it says here on your resumé that it's "Appointments by federal Minister of Labour to adjudicate complaints of unjust dismissal," and today we're talking about an appointment. You hold a federal appointment according to your resumé, you're going to hold—as of probably an hour from now—a provincial appointment, and you do work for the public sector. I just wanted to be clear about that.

Mr. Lorne Slotnick: Yes. Just to clarify that, the appointments from the federal government are on a case-by-case basis. I'm on a list with the federal labour department, and they appoint me to occasional cases to hear allegations of unjust dismissal, which is under the—

Ms. Lisa MacLeod: Okay, but since 2003 you've had these appointments, and you expect in the foreseeable future you'll continue to have these federal appointments on a case-by-case basis?

Mr. Lorne Slotnick: Oh, yes.

Ms. Lisa MacLeod: Okay. I think that's about it. I appreciate you coming in. Thank you.

Mr. Lorne Slotnick: Okay, thanks.

The Chair (Mrs. Julia Munro): That concludes the questions. I appreciate you coming here today. Thank you very much.

Mr. Lorne Slotnick: Thank you.

The Chair (Mrs. Julia Munro): Our next interview is Justina Ray, the intended appointee as member, Committee on the Status of Species at Risk in Ontario. The time allocated is 4, so I guess we'll have to recess until 4, but perhaps if we can start at 10 to or something, we will. We'll stand recessed until 4.

The committee recessed from 1532 to 1536.

JUSTINA RAY

Review of intended appointment, selected by official opposition party: Justina Ray, intended appointee as member, Committee on the Status of Species at Risk in Ontario.

The Chair (Mrs. Julia Munro): Good afternoon. We're resumed. Our interview is with Justina Ray, intended appointee as member, Committee on the Status of Species at Risk in Ontario.

Welcome to the committee. You have the opportunity to make a statement, should you wish, and then we will have questions from the committee members after you've finished. Please begin if you're ready.

Dr. Justina Ray: Thank you very much. I'm honoured to be here.

I have a Ph.D. in wildlife ecology and conservation. My research career has spanned a number of environments: I started out in the tropical forests of Africa and have gone increasingly northward, and I have been planted for the past 10 years in northeastern North America at large, but predominantly northern Ontario. I don't plan to go any further north. I'm going to stay there; there's more than enough to keep me busy.

This breadth of experience has really exposed me to a huge diversity of both ecology and culture, so I have a lot of exposure to different organisms and I even once discovered a new species of shrew in Africa. But my specialty is mammals, a wide diversity of mammals from small to large.

My current position is with the Wildlife Conservation Society Canada, which is an NGO. But it's a little bit different; it's an NGO that specializes in science and undertaking comprehensive field studies that inform conservation and/or applying scientific information and expertise to relevant policy development or decisions happening at the community level, or broader scales.

I am also an adjunct professor at both Trent and the University of Toronto, so I have a lot of engagement with students.

My research and my conservation work does intersect with many species at risk. I am an active researcher, working specifically with caribou and wolverine these days in northern Ontario, and a little bit of my research is funded through the species-at-risk stewardship grant, which was just given this year and last year. I am on two recovery teams, one the wolverine recovery team here in Ontario, and I'm also on the Nova Scotia lynx and marten recovery team. I am a member of numerous advisory panels—I have been; some of them are not active any more. MNR advisory panels—I was on the one that helped develop the Endangered Species Act. I was also called on a small science advisory panel for caribou to evaluate the caribou recovery strategy. The Ministry of the Environment—I'm on, actively right now, the Lake Simcoe advisory committee for the Lake Simcoe watershed protection act. On the federal level, I'm on an Environment Canada science advisory team for caribou critical habitat. My primary research on wolverines and caribou that are active in the province right now is understanding basic information about distribution, working with the trapper community to solve issues of conflict, caribou monitoring—those kinds of things. Lastly, I have been simultaneously appointed to the federal body that is similar to this, the Committee on the Status of Endangered Wildlife in Canada, COSEWIC, and am about to start that appointment in January. Thank you very much.

The Vice-Chair (Ms. Lisa MacLeod): Thank you very much. The remaining time will be split between the three parties, starting with the government party, and I understand that my colleague Mr. Leal—

Mrs. Maria Van Bommel: Jeff, I think you would like to say something.

Mr. Jeff Leal: Ms. Ray, when I looked at your CV and your extensive background, I thought of Jane Goodall. I think it's a real asset for Ontario when some-

body with your great credentials applies to be on such an important committee—the species-at-risk committee. I know you'll do a really good job. Being the MPP for Peterborough, I'm glad that you spent some time at Trent, which has an international reputation through the DNA activity at Trent and looking at species at risk and that whole, wide range of our wildlife in Ontario. So I wish you well. You'll certainly be an outstanding member on this committee.

Dr. Justina Ray: Thank you very much.

The Vice-Chair (Ms. Lisa MacLeod): Okay. Any more questions?

Mr. Jeff Leal: No. Those were my five questions, Madam Chair.

The Vice-Chair (Ms. Lisa MacLeod): Excellent. Thank you very much.

I'll now ask my colleague from Simcoe—

Mrs. Julia Munro: Thank you very much. I actually wanted to step out of my role as Chair and ask you, particularly, about the fact that you are part of the scientific advisory committee working on the Lake Simcoe Protection Act, and my riding is the whole bottom half of Lake Simcoe.

I guess my question is really on the dilemma that I see with this, in the sense that most of the area is part of the GTA and therefore part of the huge pressures of growth. I've struggled with this, as the MPP, and I've had public meetings and things like that. I've always worked with the conservation authority and others on the issue surrounding the complexities, quite frankly, of the Lake Simcoe watershed area. So when I read your CV and saw that you had extensive work in parts of the province and parts of the country that aren't under the same population pressures—for me, this has always been the huge issue: how to balance. So I would like your comments from a scientific perspective.

Just by way of further introducing myself, I actually went into one of those landowner agreements with the conservation authority, where we took a piece of land that we recognized was intermittent wetland, and the amount of vegetative growth that's taken place there in four years is quite remarkable. That's obviously an initiative, personally. But I look at the hundreds of thousands of people who are going to call this area home. My question to you is: How, as a scientist, can you help us look at how we can stabilize, in terms of species, including the human one?

Dr. Justina Ray: To answer that question, I'll try to bring it back to COSSARO. As a scientist, I think there's a very important place for both diagnosing a problem and giving a clear indication of what it will take. Those steps need to be very separate from the very difficult decisions that are about the trade-offs and how much sacrifice will be made on either end of the spectrum, either to species at risk or to economic development. Those questions must be separate from the science.

COSSARO, as a body, is also separating some of those decisions by making a clear diagnosis of the assessment of a species, as to whether it is at risk or not. The recovery process is at the point where some of those decisions are made, but at least the science of having diagnosed that there's a problem does not get compromised.

So I see it as our duty, as scientists, to make very unfettered recommendations, to make sure there is at least some room for a clean diagnosis before the hard decisions are made, so that at least everybody is clear about what the trade-offs are going to be.

Mrs. Julia Munro: That's where I see the work that has to be done, obviously, so that at least there's a common body of the science—and then the issue of the trade-offs. Those become, might I suggest, harder decisions.

Dr. Justina Ray: They're harder, yes.

Mrs. Julia Munro: The focus is, through that piece of legislation, on that particular area, but I'm sure you would agree with me that there are many other places in the province where the similar kind of—

Dr. Justina Ray: Pressures.

Mrs. Julia Munro: Yes.

I think, then, that having your kind of expertise is obviously very important to providing people with the kind of balancing act that ultimately will be required—to be able to count on that kind of expertise that you obviously have.

I have no further questions. I appreciate the fact that you're going to be looking at the science around my neighbourhood. Thank you.

The Vice-Chair (Ms. Lisa MacLeod): That concludes the time allocated. We really appreciate you appearing before the committee today. You may step down.

Dr. Justina Ray: Really? That's it?

The Vice-Chair (Ms. Lisa MacLeod): You're all done.

Interjections.

The Chair (Mrs. Julia Munro): I was trying to give you the hand signals. We now have to deal with concurrences, so you may step down, and you may also continue the conversation at a later point. I had a feeling that you didn't realize there was a reason why the gavel hadn't come down.

Interjection.

The Chair (Mrs. Julia Munro): No, no. I was aware of my responsibilities here, and we have to now proceed to concurrences.

The first one to consider, then, is the intended appointment of Dale Hewat, intended appointee as member, Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: Yes, I would like to move the concurrence of Dale Hewat.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Ms. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote, please.

The Chair (Mrs. Julia Munro): Any other discussion? If not, all in favour?

Ayes

Flynn, Leal, Sandals, Van Bommel.

Nays

MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Sari Sairanen, intended appointee as member, Workplace Safety and Insurance Board.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Sari Sairanen.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Ms. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote, please.

The Chair (Mrs. Julia Munro): Any other discussion? If not, all in favour?

Ayes

Flynn, Leal, Sandals, Van Bommel.

Nays

MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Faisal Bhabha, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Faisal Bhabha.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Ms. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote, please.

The Chair (Mrs. Julia Munro): Yes, recorded vote. Ms. MacLeod?

Ms. Lisa MacLeod: Just to be consistent—I should probably have spoken up when the vote was taken with Dale Hewat—the official opposition will not be supporting those appointees to the Human Rights Tribunal of Ontario, on principle. As you will recall, during committee deliberations as well as House proceedings over the former Bill 107, which is now the new human rights system in the province of Ontario, we stood firmly against this and we are steadfastly opposed to this new system. We have many concerns, which I do not think have been addressed in the last three or four sessions of this committee, dealing with the appointments to the tribunal. That said, these people are good people; I know that they work hard for the province of Ontario. But it is based on the principle that we, in the official opposition, object to the Human Rights Tribunal and its appointees.

The Chair (Mrs. Julia Munro): Any other discussion? If not, all in favour?

Ayes

Flynn, Leal, Sandals, Van Bommel.

Nays

MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Lorne Slotnick, intended appointee as member, Human Rights Tribunal of Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Lorne Slotnick.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Ms. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote, please.

The Chair (Mrs. Julia Munro): Any other discussion? If not, all in favour?

Ayes

Flynn, Leal, Sandals, Van Bommel.

Nays

Barrett, MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried. We will now consider the intended appointment of Justina Ray, intended appointee as member, Committee on the Status of Species at Risk in Ontario.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Justina Ray.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Ms. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote.

The Chair (Mrs. Julia Munro): Any other discussion? If not, all in favour?

Ayes

Barrett, Flynn, Leal, MacLeod, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

That concludes our business on intended appointments. Any other business? I would just remind the committee members that we will meet next Tuesday, September 23, at 9 a.m. in committee room 151. The meeting is adjourned.

The committee adjourned at 1549.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 23 September 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 23 septembre 2008

The committee met at 0900 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Good morning, and welcome to the Standing Committee on Government Agencies. This morning our first order of business is the report of the subcommittee on committee business dated Thursday, September 18. I'd ask Ms. Sandals.

Mrs. Liz Sandals: I move approval of the subcommittee report dated Thursday, September 18, 2008.

The Chair (Mrs. Julia Munro): Thank you. Is there any discussion? Seeing none, all in favour? Opposed? The motion is carried.

We will now move to the second part of our meeting, which is the appointments review.

INTENDED APPOINTMENTS

JOHN LANGS

Review of intended appointment, selected by third party: John Langs, intended appointee as member, Central Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our first interview is with Mr. John Langs, intended appointee as member, Central Local Health Integration Network. Please come forward.

Good morning and welcome to the committee. As you may know, we have 30 minutes set aside. You may choose to make a statement to begin with, and then we will divide the time subsequently for questions from committee members. So if you're ready?

Mr. John Langs: Thank you very much. I would like to make a very few brief remarks just to introduce myself.

Madam Chair, honourable members, thank you for the opportunity to meet with you today to review my proposed nomination. My name is John Langs. I'm a partner with Fraser Milner Casgrain, which is a large law firm across Canada. My area of practice is corporate law. I primarily focus on mergers and acquisitions. I've been with the firm for over 40 years, having started with the firm as a second-year law student.

As indicated in my resumé—and I believe you have copies—I served on the hospital board of North York General Hospital from 1995 to 2007, holding various positions with that corporation. I was chair of the governance committee, vice-chair of the board and secretary of the corporation. Prior to that service and my original introduction to North York, I was on the hospital foundation board and served as a member of their executive committee and its secretary.

North York General was my most recent and extensive experience in the health care sector, although a number of years ago I did serve on the board of what was C.M. Hincks. It's now Hincks-Dellcrest, which is a combination of residential and outpatient service for young people up to the age of 13 who have unfortunate problems, usually psychological ones.

As I say, I'm a lawyer. My practice is mergers and acquisitions and not health care. Through my contacts in hospital work, I have developed some expertise in health care but certainly not a lot. That is not my main focus. But my work in the medical area or in the hospital area has focused on governance, it has focused on leadership and it has focused on transformation, of which there was a tremendous amount from the time I first joined the board of North York General Hospital through the health restructuring commission and, later, the introduction of LHINs and the impact of that on North York General.

I do live in the catchment area and welcome the opportunity to make an additional contribution.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with the official opposition.

Ms. Lisa MacLeod: Good morning, Mr. Langs. How are you?

Mr. John Langs: I'm well, thank you.

Ms. Lisa MacLeod: That's great. Just a couple of quick questions with relation to your LHIN. It is the fastest-growing LHIN in all of Ontario, and I'm wondering how you feel you'd be best able to suit that fast growth. The numbers that I've got: It will grow by 119%—that will be for all LHINs in Ontario; the rest of Ontario will have grown by 72%, but this LHIN that you're going to be working on will have grown by 129% by 2031. That's quite a handful, because you're going to be dealing with high birth rates. Also, you're going to be dealing with a lot of issues with respect to the other end of the spectrum, with the aged. I'm just wondering what skills you bring and how you think that you and your team can best work toward dealing with these growth issues.

Mr. John Langs: I think you're absolutely right. From what I have read about the LHIN—and I have only

read material on the Web pages; I did attend one retreat that they held—it is the fastest growing. It is that whole corridor moving north of Toronto, the population concentration. At the Toronto end of the geography it is, I believe, one of the fastest-aging populations. As you go north, you're into the new communities. We've seen tremendous growth in the Alliston area with the plants.

I think it faces challenges, quite frankly, like every other LHIN. How can I help? I think my experience will focus on organizational structure, governance, assisting to put in place the right approach to governance that can reach down and really help the organization—not to get into the details of how each hospital works, how each CCAC will work, but rather put in place an organization responsive to the needs of that community.

Again, I think all the LHINs are going to face challenges. They're going to be different challenges. This particular one will have the challenges that you've identified, but at the same time I think breaking regions down gets closer to the clients and the patients and hopefully will serve them better.

Ms. Lisa MacLeod: Do you think that your work with the North York General Hospital Foundation and the hospital will be good in terms of training and experience for this new role?

Mr. John Langs: I think we saw exactly the same type of thing in the years that I was at North York in terms of growth and aging population. It was very reflective of that. When I first joined the board, it was only about 30 years old, 25 years old. It was the original hospital site. Since that time, it has doubled in size. It's the busiest emergency room in Ontario, if not Canada. It is developing programs for seniors and aging. As I say, it doubled its size about five years ago; it has added a facility at Branson. So it has seen growth, and I think what we saw on the board there will be the types of challenges that we will see in the LHIN area.

Ms. Lisa MacLeod: Very well. I congratulate you, and the official opposition will be supporting your appointment.

Mr. John Langs: I appreciate that. Thank you.

The Chair (Mrs. Julia Munro): We'll move on to Ms. DiNovo.

Ms. Cheri DiNovo: Welcome, Mr. Langs. Thank you for coming here and thank you for the erudition that you've already expressed and your knowledge of the area.

A couple of concerns that we, as New Democrats, have: Number one is about the accountability of the LHINs. There was a concern raised when the LHINs were first introduced that in fact if you had a problem with a decision made by the LHINs, you couldn't, as under the old system, go to your MPP or to your Minister of Health, but somehow you had to go through the LHINs, and that process was murky. I was wondering how you would answer those concerns.

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Mr. John Langs: I would hope it would not be murky. I would hope that the LHINs would be responsible, responsive and accountable, being more directly associated with the community in which they're serving. I would hope that was one of the intentions.

As somebody who was participating in the system over the years, I think our health care system, for some of the reasons that you cited—going to MPs, going directly to the government, going and making special pleas—contributed to a system that basically was perceived as unfair, and that was all parties, not any particular party. Funds were directed often in response to an immediate issue so that somebody who had influence could get funds. I always felt sorry for the Ministry of Health because they would set up their budget—they've got a huge budget—and try to live within it, and I think they were constantly badgered with, "Well, that's fine, but this hospital needs $2 million; give it to them." If you have everybody making those requests, it certainly starts to tear apart your budget.

I would hope that people will be responsive, will be more in touch with their community and, quite frankly, perhaps a little more removed from third party pressures.

Ms. Cheri DiNovo: As you're probably aware, New Democrats are all about medicare, and we have been since the days of Tommy Douglas, and all about public accessibility to health care. I would be interested in what you think about the move of the McGuinty government to increasingly build public-private partnerships around hospitals, if you could just comment generally about that.

Mr. John Langs: First of all, I think all Canadians, not the just the NDP, think medicare is now part of our way of life and what we expect. I think we've all benefited from it, and I think the country as a whole has.

Public-private partnerships, in my view, are simply means of financing capital construction. They are not the medical care in a particular facility. The delivery of service is done by the professionals. We're not creating HMOs as you would have in the States. I think it's a matter of financing.

Is it the best way to finance? I'd have to defer to people in finance on that. It certainly means that the government has to put up less money on day one, but really all you're doing is providing financing for the facilities and the infrastructure that in reality I think our province needs, both in health care and in other services.

Ms. Cheri DiNovo: Certainly, with your background and as someone who's expert at mergers and acquisitions, you would be the first to know corporations usually invest in something if they're hoping to make a profit. The question is, where does that profit come from when it comes to public health care? We've seen with Brampton and other hospitals cost overruns with corporations involved. Of course, the fear of the public, and I'd like to hear from you whether you think it's justifiable or not, is that that profit comes out of the actual delivery of quality health care. Could you comment on that?

Mr. John Langs: I don't know enough about the Brampton situation to comment on it. It's certainly been in the paper, and there are a lot of issues out there. My own sense from reading the paper is the issues do not

arise because it's a public-private partnership that put up the structure.

My understanding is that they're having tremendous difficulty recruiting staff and doctors to the facility and operating it. Not just that hospital but our whole province is short of health care workers, and the reality is if a place is having difficulty, it's hard to recruit to a place like that. That just compounds the issue. It spirals down. I contrast it with hospitals that are doing very well, and if there's good morale in the hospital, people want to work at that facility.

My sense, and this is just from the papers, is that Brampton is off to a rocky start, but its issues surround how it delivers its services. I don't think it's cost overruns. They may be; I haven't looked at the numbers. There may be cost overruns. What often happens in projects is that they take a long time to come to the table, and people go on expectations that maybe can't be delivered over time, but I don't know that for sure. Brampton could just be a case of not being well managed financially.

Ms. Cheri DiNovo: Okay. Thank you, Mr. Langs.

The Chair (Mrs. Julia Munro): Thank you very much.

Mrs. Liz Sandals: Thank you for appearing before us, Mr. Langs. I think that with your experience with legal issues and your experience with the hospital boards, you'll be a great asset to the board of the local LHIN.

The Chair (Mrs. Julia Munro): Thank you very much. That concludes the questions from the committee members. We certainly appreciate your making time to be here with us today.

Mr. John Langs: Thank you for your time.

ALISON RENTON

Review of intended appointment, selected by official opposition party: Alison Renton, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Our next intended appointee is Alison Renton. This is the intended appointee as member and vice-chair, Humans Rights Tribunal of Ontario. Good morning, Ms. Renton, and welcome to the committee. Do make yourself comfortable there. As you may have observed, we have set aside 30 minutes, during which time you may wish to make a statement to the committee, and then we will have questions in rotation around the table. Please begin when you're ready.

Ms. Alison Renton: Good morning, ladies and gentlemen and Madam Chair. Thank you for the opportunity to speak with you today about my background and interest in being appointed as a full-time vice-chair of the Human Rights Tribunal. It is an honour to be considered for this position, and I am pleased to be able to speak with you this morning.

I was born in Mississauga, but as a child moved to different locations across Ontario as my father relocated our family because of his work. I have an honours bachelor of arts degree from Queen's University, with a major in English that I received in 1987, and a law degree from the University of Windsor that I received in 1991. I was called to the Ontario bar in 1993. I am married and have two girls ages five and eight and live in Oakville. I have 17 years of experience in labour and employment law as well as work experience in this area that predates my articles.

I was fortunate, initially as a high school student and then as a university student, to obtain summer employment with Ontario Hydro at its Pickering nuclear station while it was being constructed. After several summers working in other departments, I was placed in the personnel department and worked there for three summers. During my last summer at Ontario Hydro, and prior to entering my last year of law school, I worked at Hydro's head office in its construction labour relations department. That summer of 1990 I saw collective bargaining in action, as I participated in 13 sets of collective bargaining negotiations with trade unions.

I also remember attending my first arbitration hearing which, interestingly, since I'm being considered for a position with the Ontario Human Rights Tribunal, addressed whether or not an accommodation program that a disabled employee had been working in was covered by a collective agreement.

My work experiences at Ontario Hydro sparked my interest in human resources law, and I decided to pursue a legal career in this area. When applying for articling positions, I decided to focus my attention on labour and employment law firms and secured articles at Hicks Morley, a management labour and employment law firm located in Toronto. I have worked exclusively in the area of labour and employment law since then.

After being called to the bar, I worked with Stringer Brisbin Humphrey, a management labour and employment law firm, for approximately a year and a half, and then at Howard Levitt & Associates, another labour and employment law firm, for three years. In 1997, I left private practice and became a labour and employment lawyer with the LCBO, an agency of the Ontario government, a position that I hold to date.

Having practised exclusively in the area of labour and employment law, I have provided advice, written opinions, conducted presentations, drafted pleadings, policies and communications and attended hearings on a myriad of issues pertaining to employees. Since my articles commenced in 1991, the area of human rights law has grown significantly and it is an area of the law on which I frequently provide advice, particularly in the area of accommodation in employment.

The LCBO, as a retailer, is a service provider for whom the Human Rights Code applies. Further, most of the LCBO's employees are unionized and represented by OPSEU. As bargaining unit employees, they can raise human rights issues pertaining to employment pursuant to the Human Rights Code or the collective agreement between the LCBO and OPSEU. That collective agree-

ment protects against harassment and discrimination on the same enumerated grounds as the code, and if a unionized employee files a grievance which proceeds to arbitration, the arbitrator has the jurisdiction to interpret and apply employment-related statutes, which includes the Human Rights Code.

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I believe that people deserve to be treated with fairness, respect and dignity, and in compliance with the laws of Ontario and Canada. I take my responsibility as a lawyer working for a large public sector organization very seriously, and I work hard to ensure that these principles are met in my practice.

I have appeared as an advocate hundreds of times before the courts and various administrative tribunals, including the Ontario Labour Relations Board, the Workplace Safety and Insurance Appeals Tribunal, and arbitrators. Many times the nature of the dispute is about harassment or discrimination in employment. In my position with the LCBO, the administrative tribunal that I have appeared before most frequently is the Grievance Settlement Board, an adjudicative tribunal created by statute to hear and determine grievances filed by bargaining unit employees employed by the Ontario government or its agencies, such as the LCBO.

As I've worked at the LCBO now more than 10 years, most of my career I have appeared before administrative tribunals representing employers. However, during my three years of working with Howard Levitt and Associates, I represented employees, from junior office workers to senior managers, on employment law issues, and frequently attended before the courts or administrative tribunals on their matters. I have experienced difficult legal issues, difficult clients, difficult opposing counsel and difficult witnesses, and feel comfortable providing advice to individuals and companies.

Of the numerous cases that I have handled, many have been resolved. I have resolved cases by conducting behind-the-scenes negotiations with the other party before the hearing date, by attending before the Alternative Dispute Resolution Centre when I was in private practice, or by attending on the hearing date and resolving the issue with the assistance of an arbitrator or mediator.

I was on the LCBO's bargaining committee during its last round of collective bargaining in 2005 and saw firsthand how a large public sector organization conducts perhaps its most significant negotiations.

Over the years, I have represented my clients at formalized hearings with days and days of protracted litigation. My advocacy style has evolved during my practice from the traditional adversarial method by which evidence is presented through witness testimony, examinations-in-chief and cross-examinations to a style designed to avoid long, protracted and expensive litigation. Now I try to determine what evidence can be presented in a more expeditious and less adversarial manner while still representing my client's interests.

I saw the position of vice-chair with the tribunal advertised in the Ontario Reports in about March 2007 and applied for this position because it advances the principles of fairness, dignity, respect and legal compliance that I strongly hold. I am confident that my background will assist me in the role of vice-chair of the Human Rights Tribunal of Ontario and I look forward to the opportunity to fulfill this important position.

I am happy to answer any questions that you may have.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin with Ms. DiNovo.

Ms. Cheri DiNovo: Thank you very much, Ms. Renton, for coming in. Could you perhaps talk about why we have a Human Rights Tribunal and why it's so important?

Ms. Alison Renton: The Human Rights Tribunal is established so that people in Ontario who feel that they have been harassed or discriminated in a variety of different areas in their life from either receiving or not receiving services or employment have an avenue to raise these issues.

Ms. Cheri DiNovo: I ask the question, obviously, because there has been, I think, a pointed attack on the work of human rights tribunals across this country, and particularly here. We in the New Democratic Party certainly uphold the work you do, and uphold your background too, for that matter; it has been an excellent one.

One of the questions, of course, that comes at human rights tribunals is, why can't people just seek some solution through the normal court process if a law has been transgressed? How would you respond to someone who would say something like that?

Ms. Alison Renton: I think the Human Rights Tribunal has been established so that it is an expeditious and more cost-effective way for people to pursue their complaints and their views of being harassed and discriminated in a variety of services. It's designed to be expeditious and to be really user-friendly to the people of Ontario.

Ms. Cheri DiNovo: Who might not—

Ms. Alison Renton: Right—and also to appear before people who have specialized knowledge in the area of human rights.

Ms. Cheri DiNovo: Thank you. We certainly will be supporting you.

Ms. Alison Renton: Thank you very much.

The Chair (Mrs. Julia Munro): Mrs. Sandals.

Mrs. Liz Sandals: I too would like to thank you for appearing. You certainly have a breadth of legal experience which I think will qualify you for your role on the Human Rights Tribunal. Thank you for appearing.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here. I've got a few questions from your previous answers.

The role of the Human Rights Tribunal: Of course, you mentioned that instead of our regular court system, it was developed to be an expeditious vehicle to deal with human rights complaints. Clearly it hasn't turned out to

be very expeditious, because we're hiring a whole lot more people for human rights tribunals because of the backlog. I believe that backlog is there because of, as you used the term, the growth in human rights law, where it has been a very expanding law and getting more unwieldy.

Do you think that is the proper place, not the court system, seeing that it is not expeditious? In many cases, it's slower than our courts, which is pretty unbelievable. Do you not believe that if timing and efficiency were available in our courts, human rights ought better to be dealt with in our courts?

Ms. Alison Renton: Well, I think that's difficult for me to answer, because it's clearly the decision of the Legislature to determine where people are going to have access to these concerns. They have determined that it's not going to be through the court system; it's going to be through the tribunal. It set up the new tribunal to provide access to people who have complaints in the areas that are defined under the Human Rights Code.

Mr. Randy Hillier: Part of the growth in the human rights tribunals and in human rights law has been—in one of your answers, you talked about discrimination, mostly for law and employment law, and that is certainly a significant component of it, but we've seen the growth of human rights tribunals and commissions delving into thoughts and conscience. I'd like to get your views on the Human Rights Tribunal's role when it comes to determining or adjudicating the validity of one person's thought.

Ms. Alison Renton: Again, I think that's a difficult question to answer in the abstract. The role of adjudicator is to determine the issues and the facts that are before you, so that's what I would be doing in my role as adjudicator.

Mr. Randy Hillier: Still, we have to speak in the abstract here; surely we don't have the time to deal with the details of any specific case. But there have been lots of cases, and I'm sure you're aware of a number of them, before human rights tribunals across the country where we've expanded beyond a tangible discrimination for an apartment or for employment in ruling on the validity of a person's opinion.

Today, we're hearing your opinions, we're hearing my opinions and other people's opinions. Do you think that the Human Rights Tribunal or any tribunal should be ruling on the validity of another person's thought?

Ms. Alison Renton: I think that, in my role of adjudicator, my role and my mandate is to interpret the cases before me based upon the legislation that is drafted. So if the legislation were changed to address the areas that you're identifying, then that would be part of my role as an adjudicator.

Mr. Randy Hillier: Okay. Those will be all of my questions, thanks.

The Chair (Mrs. Julia Munro): Thank you very much. We certainly appreciate your being here today at the committee.

Ms. Alison Renton: Thank you very much.

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MICHELLE FLAHERTY

Review of intended appointment, selected by official opposition party: Michelle Flaherty, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): Our next intended appointee, also as member and vice-chair of the Human Rights Tribunal of Ontario, is Michelle Flaherty. Good morning and welcome to the committee.

Ms. Michelle Flaherty: Good morning. Thank you.

The Chair (Mrs. Julia Munro): As you will have observed, you have the opportunity to make some comments yourself and then we will go in rotation amongst the members of the committee. Whenever you're comfortable, please begin.

Ms. Michelle Flaherty: I will be making an opening statement.

Thank you very much for inviting me to appear before the committee today. It's a great honour for me to be considered for a position on the Human Rights Tribunal.

Je vais prendre quelques moments pour vous décrire un peu mes antécédents professionnels ainsi que personnels, pour ensuite faire le lien entre ceux-ci et les exigences du poste de vice-présidente.

Je suis originaire d'une communauté rurale dans l'est de l'Ontario. J'ai grandi et, en très grande partie, j'ai été éduquée en français en Ontario.

Ma mère est Franco-Ontarienne, mais comme vous pouvez peut-être le deviner à partir de mon nom de famille, mon père est d'origine irlandaise. Néanmoins, en famille, on mettait beaucoup d'importance sur le français et je me suis toujours considérée comme membre de la communauté franco-ontarienne.

J'ai reçu un baccalauréat en droit à l'Université d'Ottawa où j'ai fait mes études, en français, en common law. Depuis que je suis membre du barreau de l'Ontario, la pratique du droit en français a toujours été une composante importante de ma pratique.

Je m'intéresse aux droits de la personne depuis très longtemps. En fait, c'est ce domaine qui m'a attiré à la profession.

Après avoir complété mes études en droit, j'ai eu l'opportunité de faire un stage auprès d'une juge à la Cour suprême du Canada. En tant que stagiaire, j'ai pu observer de près le processus de l'adjudication et la prise de décisions juridiques. Donc, en tout début de carrière, j'ai compris l'importance d'évaluer les intérêts des parties, avec le but d'arriver à un résultat juste et équitable dans les circonstances.

When I began working as a lawyer, my practice initially focused on administrative and constitutional matters, but for the past six years or so I've worked more directly in the field of human rights law, particularly in the context of employment and workplace issues. I initially acted exclusively for applicants in unions. However, as legal counsel at the University of Ottawa, I've

more recently become involved in acting for respondents in human rights matters. Universities are in interesting situations in that they are landlords, employers and service providers, and so in that context I've had an opportunity to work across the areas that are covered by the Ontario Human Rights Code.

For the past several years, I've taught human rights law in French at the University of Ottawa. I've also taught a labour law class in English which has a significant human rights component. I've taught public law for the Law Society of Upper Canada's bar admissions program and I write part of the materials that are used for that program. I've spoken at a number of conferences about administrative law and workplace issues, particularly human rights matters.

In addition to this, I've tried to make a contribution to my community as a lawyer by taking on pro bono cases, by teaching and mentoring young lawyers, and by being a member of the executive of a young lawyers' group in Ottawa. I've also volunteered with a number of community organizations. The University of Ottawa recently recognized my contributions and has inducted me into their common law honours society.

I'm extremely honoured to be here today and I would like to thank you for this opportunity. I'd be pleased to take your questions.

The Chair (Mrs. Julia Munro): Thank you very much, and we'll begin with Ms. Sandals.

Mrs. Liz Sandals: Thank you very much for appearing today, and congratulations on the recent honour from the University of Ottawa.

Just to note: Two of our regular colleagues would want to say that we're very pleased that somebody with a francophone background will be available to hear cases in French. So thank you very much for appearing.

Ms. Michelle Flaherty: Thank you.

The Chair (Mrs. Julia Munro): Mr. Hillier.

Mr. Randy Hillier: Thank you very much for being here. Just a few questions; I noticed you were here earlier, so you have seen some of my line of questioning. But on another subject that has been recently raised in the media and with human rights law is freedom of conscience. One example, of course, is with the College of Physicians and Surgeons of Ontario. I'm not sure if you're aware of that subject that's in the media right at the moment, of compelling physicians to do actions even if it is against their beliefs?

Ms. Michelle Flaherty: I've seen some of the media reports on that, yes.

Mr. Randy Hillier: I just want to get your thought about human rights law. Typically, I view law and I think a lot of people view law as a vehicle or means to prevent an injustice from happening, to prevent an action from taking place. As human rights laws evolve, it appears that now we're getting into, not preventing people from doing something, but compelling people to do things. I just wonder what your view is on that change in our legal and human rights laws.

Ms. Michelle Flaherty: I'm not sure if I'd agree that there has been a change that has taken place. As an adjudicator, when I look at the statute that I may be called upon to apply, I'm not certain that I would agree that it's preventive. I think it's a remedial statute, so that people who feel that their rights have been violated have a right to come before the tribunal, present evidence, make argument and attempt to prove that there has been discrimination in their case. So I don't see the statute as either preventing or compelling any particular action, but more as providing recourse for people who feel that they've been mistreated.

Mr. Randy Hillier: In this case that I'm referring to with the college, it would be compelling people to provide services that are against their fundamental beliefs, such as abortion or medication, whatever. It could be a number of different circumstances. That is again not, as you stated earlier, where there should be a remedial process if there has been an untoward action taken and then some remedy to address. But we're moving into a new facet, I think, where we are now compelling somebody to do something or possibly compelling people to do things that are contrary to their faith and their beliefs. Do you think that is in the spirit of human rights law?

Ms. Michelle Flaherty: I should say, to start off with, that I'm somewhat familiar with the media reports that have come out, but I'm not particularly familiar with the crux of the issue that you're mentioning. So it's difficult for me to speak to something without having the full context and a full panoply of evidence. As an adjudicator, I think my role would be to consider fully the evidence and the submissions of all the parties that might come before me and to not draw a conclusion until I've had an opportunity to give it the weight it deserves.

Mr. Randy Hillier: Again, I think your role will be as an adjudicator and it appears, through this whole process of appointing quite a significant number of new adjudicators, we've often heard the term "advocacy," and we've seen people who have a history of advocacy being appointed to the Human Rights Tribunal. Of course, as an adjudicator, it's very important to be unbiased or to have as few biases as possible, not that there are any. You have substantial experience in employment law, labour law. What's your sense of duty to accommodate, for example? How far should we go with duty to accommodate, because there is usually a cost attached to it? In these economic times, I'm just wondering what your thought is. How far should we go with duty to accommodate? If it puts a business in jeopardy, the duty to accommodate, is it still acceptable to go that far?

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Ms. Michelle Flaherty: I think you're raising two questions. The first is about impartiality and bias. I imagine that a number of people who have come before you as intended appointees for this tribunal have advocacy experience, and I think advocacy experience is perhaps part of the package for what is desirable in an adjudicator. It's what helps us evaluate cases, having been in the position of people who are presenting cases. But in my own view, having advocated for one party or the

other doesn't necessarily make someone biased or impartial. In my case, I've had the opportunity to advocate for both sides of the coin. I've acted for a respondent and I've also acted for complainants and applicants. So I think that enhances, as an adjudicator, someone's ability to see both sides of the coin.

Moving from that to your question about the duty to accommodate, the question you pose is one that the courts have wrestled with for a number of years and, again, is a contextual one. It will vary on a number of factors. Certainly, factors such as the viability of a business, were it required to implement a particular form of accommodation, would be an important consideration. But again, it's difficult to speak to that in a void. I appreciate your concerns about the scope of the duty to accommodate, and it's something that I think as an adjudicator I too will wrestle with.

Mr. Randy Hillier: Thank you. Those are all my questions.

The Chair (Mrs. Julia Munro): Ms. DiNovo.

Ms. Cheri DiNovo: We in the New Democratic Party think you're a wonderful applicant and we'll certainly be supporting you. We think the work of the Human Rights Tribunal is excellent work and needs to be done.

My question is really just one of interest. What we're concerned about is more access to your services on the Human Rights Tribunal. A number of people who probably should be complainants don't get to be complainants. How would you improve access?

Ms. Michelle Flaherty: With respect, I'm not sure that I have a role in the administration of the tribunal, so I think a lot of those issues will be addressed by the administrators. As an adjudicator, I would strive to be accessible to the parties to make the process accessible to them, to explain it to them clearly and concisely in a way that they can understand it when they're presenting matters before me. Of course, I'd do my best to make proper use of adjudicative resources to ensure that we can expedite matters where that's appropriate.

Ms. Cheri DiNovo: You're obviously aware of the sustained attack upon the work that you do across the country, and I just wanted to assure you that we New Democrats are absolutely stalwart in defence of what you do. So if there's anything that we can do to help, let us know.

Ms. Michelle Flaherty: Thank you. I'm very grateful.

The Chair (Mrs. Julia Munro): Thank you very much, and that concludes the questions. We appreciate very much your taking the time to be here with us today.

Committee, we will now move on to concurrences. Our first, then, will be to consider the intended appointment of John Langs, intended appointee as member, Central Local Health Integration Network. Ms. Sandals.

Mrs. Liz Sandals: I move concurrence in the appointment of John Langs as member of the Central Local Health Integration Network.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Alison Renton, intended appointee as member and vice-chair of the Human Rights Tribunal of Ontario. Ms. Sandals.

Mrs. Liz Sandals: I move concurrence in the appointment of Alison Renton as member and vice-chair of the Human Rights Tribunal of Ontario.

Mr. Randy Hillier: Madam Chair, could I ask for a deferred vote?

The Chair (Mrs. Julia Munro): We've been asked for a deferral and so we will move—

Mr. Michael A. Brown: Can we have a roll call vote on it at the time of the deferral?

The Chair (Mrs. Julia Munro): Oh, at the time of the deferral. Certainly, and I will entertain that instruction at that time.

Mr. Michael A. Brown: Okay, fine; thanks.

The Chair (Mrs. Julia Munro): Thank you very much.

Our third intended appointment: Michelle Flaherty, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario. Ms. Sandals.

Mrs. Liz Sandals: I move concurrence in the appointment of Michelle Flaherty as member and vice-chair of the Human Rights Tribunal of Ontario.

Mr. Randy Hillier: Madam Chair, I'd like to ask for a deferral, please.

The Chair (Mrs. Julia Munro): All right, we have a second deferral. So I believe that concludes—

Mrs. Liz Sandals: Just as a point of clarification, Madam Chair, the votes will be held at next week's meeting?

The Chair (Mrs. Julia Munro): Indeed. That concludes our business on intended appointments, and I would just remind the committee that next week's time is 9:30.

This committee will stand adjourned until 9:30 on Tuesday, September 30, in room 228 to consider intended appointments and, obviously, the deferred votes.

The committee adjourned at 0945.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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LEGISLATIVE ASSEMBLY OF ONTARIO

Official Report of Debates (Hansard)

Tuesday 30 September 2008

Journal des débats (Hansard)

Mardi 30 septembre 2008

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 30 September 2008

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 30 septembre 2008

The committee met at 0932 in room 228, following a closed session.

COMMITTEE BUSINESS

The Chair (Mrs. Julia Munro): Good morning, and welcome to the Standing Committee on Government Agencies. I would ask members to refer to the agenda before them, but before we deal with the agenda, I would like to ask for unanimous consent to move the Ontario Securities Commission's appearance before this committee to Tuesday, December 2. All in agreement? Thank you very much.

INTENDED APPOINTMENTS

ALISON RENTON

Review of intended appointment, selected by the official opposition party: Alison Renton, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): We will now look at our agenda. First will be the intended appointments. We will first consider the intended appointment of Alison Renton, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario. Concurrence in that appointment was previously moved by Ms. Sandals. Any discussion? Ms. Sandals?

Mrs. Liz Sandals: No.

The Chair (Mrs. Julia Munro): Seeing none, all in favour? I should just remind you that a recorded vote has been requested.

Ayes

Gélinas, Qaadri, Sandals, Van Bommel.

Nays

MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

MICHELLE FLAHERTY

Review of intended appointment, selected by the official opposition party: Michelle Flaherty, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario.

The Chair (Mrs. Julia Munro): We will now consider the intended appointment of Michelle Flaherty, intended appointee as member and vice-chair, Human Rights Tribunal of Ontario. Concurrence has been previously moved by Ms. Sandals. Any discussion? If not, a recorded vote has been requested.

Ayes

Brown, Gélinas. Qaadri, Sandals, Van Bommel.

Nays

MacLeod.

The Chair (Mrs. Julia Munro): The motion is carried.

SUBCOMMITTEE REPORT

The Chair (Mrs. Julia Munro): Our second order of business this morning is the report of the subcommittee on committee business dated Thursday, September 25. Mrs. Van Bommel.

Mrs. Maria Van Bommel: I move the adoption of the report of the subcommittee on committee business dated Thursday, September 25, 2008.

The Chair (Mrs. Julia Munro): Any discussion? If not, all in favour? The motion is carried.

INTENDED APPOINTMENTS

MAUREEN ARMSTRONG

Review of intended appointment, selected by official opposition party: Maureen Armstrong, intended appointee as member, Office for Victims of Crime.

The Chair (Mrs. Julia Munro): We will now proceed to today's appointment reviews. The first one is Maureen Armstrong, intended appointee as member, Office for Victims of Crime. Good morning and welcome to the committee.

You have an opportunity to make any comments that you wish. Following that, we will have questions from the members of the committee. When you're ready, you may begin.

M^me^ Maureen Armstrong: Good morning, Madam Chair, and members of the committee. It is a pleasure to be here again.

J'ai assisté à la réunion du comité le 20 août comme nominée prévue pour le poste de présidente de la Commission d'indemnisation des victimes d'actes criminels. J'aimerais remercier les membres du comité pour leur soutien unanime de ma candidature. Cela fait cinq semaines que je m'occupe du poste. Je suis très contente et je vous suis reconnaissante pour le soutien.

Le 20 août, j'ai expliqué en détail mes qualifications et mon expérience professionnelle. Au lieu de répéter toute cette information aujourd'hui, je vais souligner juste quelques points, et par la suite je discuterai de ma nomination prévue comme membre de l'Office des affaires des victimes d'actes criminels.

Brièvement, je suis avocate. Je suis devenue membre du Barreau du Haut-Canada en 1995, la même année que j'ai rejoint la fonction publique du Canada. J'ai travaillé plusieurs années avec la Commission canadienne des droits de la personne dans plusieurs postes.

Plus récemment, j'ai travaillé avec Aide juridique Ontario comme vice-présidente dans les régions du centre et de l'est. Depuis 2001, je m'occupe de la gestion, avec une concentration sur la gestion du changement et la direction dans le secteur public. Je me suis engagée à respecter les valeurs du service public.

Turning now to my proposed appointment to the Office for Victims of Crime, the OVC is an organization with a mandate to advise the Attorney General on a variety of matters relating to the rights and needs of victims of crime. The members of the OVC have diverse backgrounds in victim issues. Each has knowledge and expertise that are very valuable to enable the OVC to provide high-quality advice to the Attorney General. With respect to my proposed appointment, I understand that there has been a practice of having the chair of the Criminal Injuries Compensation Board cross-appointed as a member of the OVC. As such, the question of my appointment is related to my current position.

I believe that having the CICB chair as a member of the OVC has potential benefits for Ontarians. It creates a formal opportunity to share information between two publicly funded entities that, in distinct capacities, are engaged in addressing the needs of victims of crime. In particular, the appointment of the CICB chair as a member could help facilitate an exchange of information and ideas relating to the financial implications of criminal victimization.

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Further, I do believe that my extensive experience in the area of equality rights and my public service management background could be useful assets to the OVC.

While my primary role as CICB chair requires me to ensure that the board fulfills its statutory mandate as an objective adjudicative body, the importance of ensuring good communication between all public organizations mandated to support victims of crime is a valuable goal that I would like to support.

The time commitment for participation on the OVC is such that it would not impede my ability to perform all of my duties as CICB chair. I would be happy to take on the role of member of the OVC and to bring to it my skills, knowledge and expertise gained as CICB chair, as a manager and as a public servant.

Thank you, Madam Chair. I'm happy to take any questions.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin this morning with the official opposition.

Ms. Lisa MacLeod: Welcome again, Ms. Armstrong. Welcome back to Toronto. The last time we saw you I believe was August 20, 2008. Have you left the federal public service, for leave from your previous position?

Ms. Maureen Armstrong: Yes, I have.

Ms. Lisa MacLeod: The biggest issue that I did have was with respect to time commitments. You've indicated that it's customary that the chair of the Criminal Injuries Compensation Board is also a member of this board. I'm just wondering if you can go back in time to provide us with an example of the previous chair of the criminal injuries board. Was he or she also part of the Office for Victims of Crime?

Ms. Maureen Armstrong: Yes, she was. Unfortunately, I'm not aware whether the chair prior to my predecessor was also. She was in the role from 1998 until earlier this year, but I know she definitely was a member of the OVC.

Ms. Lisa MacLeod: How long was she a member of both? Do you recall?

Ms. Maureen Armstrong: I'm afraid I don't know the answer to that. I believe it may be in the neighbourhood of about four years.

Ms. Lisa MacLeod: Do you know what the time commitments are for the Office for Victims of Crime?

Ms. Maureen Armstrong: I understand that it tries to meet about once a month, but it's not much more extensive than that, is my understanding.

Ms. Lisa MacLeod: Okay. And in terms of your current position, how often do you meet as chair of the board?

Ms. Maureen Armstrong: That's a full-time position.

Ms. Lisa MacLeod: So you are not only working there full-time, but how many times does your board meet?

Ms. Maureen Armstrong: My board is an adjudicative board, so my members are sitting in decision-making on cases more often than they are sitting as a board to discuss specific issues.

Ms. Lisa MacLeod: Thank you very much.

The Chair (Mrs. Julia Munro): Ms. Gélinas.

M^me^ France Gélinas: Bonjour, madame Armstrong.

M^me^ Maureen Armstrong: Bonjour.

M^me^ France Gélinas: Cela me fait plaisir de vous entendre parler français. J'ai deux questions. La première : avec votre expérience au niveau fédéral et au niveau provincial, j'aimerais savoir un peu vos connaissances du nord de l'Ontario.

M^me^ Maureen Armstrong: Je ne connais pas très, très bien tous les détails ou toute la situation au nord de l'Ontario. Ceci dit, je trouve que c'est une question très importante de savoir pour toutes les régions de l'Ontario quels sont les défis en ce qui concerne les victimes du crime.

M^me^ France Gélinas: Est-ce que vous avez déjà fait du travail avec les Premières Nations?

M^me^ Maureen Armstrong: Oui, plusieurs fois. La Commission canadienne des droits de la personne considérait une question précise concernant la juridiction de la commission et les autochtones, et j'ai travaillé fort sur cette question.

M^me^ France Gélinas: Je vous remercie.

The Chair (Mrs. Julia Munro): Thank you. Mrs. Van Bommel.

Mrs. Maria Van Bommel: We just want to say thank you very much for coming again before the subcommittee and we appreciate your taking the time.

Ms. Maureen Armstrong: Thank you. My pleasure.

The Chair (Mrs. Julia Munro): That concludes the questions, and we appreciate you very much for coming here today.

WYNN TURNER

Review of intended appointment, selected by third party: Wynn Turner, intended appointee as member, South East Local Health Integration Network.

The Chair (Mrs. Julia Munro): Our next review is with Wynn Turner, the intended appointee as member, South East Local Health Integration Network. Good morning and welcome to the committee. As you will have observed, you have time in which to make a statement, and then questions from the members. So if you are ready, you may begin.

Ms. Wynn Turner: It is a pleasure to be here this morning to meet with you all about my interest in becoming a member of the South East LHIN board. I thank you for this opportunity. I did prepare a few notes here, so that I did not ramble, to tell you a little bit about myself. I think through hearing a little bit about myself and my experiences, you will see it to be more than my work life but also my personal life which will influence the way in which I will conduct myself on the board.

I was raised in Norway House, Manitoba, and lived there until the age of 13. I attended one of those legendary one-room schoolhouses and all of my classmates were Metis children. My community was a Metis community. My parents operated a tourist business in this area and, as a result, I met many people from many walks of life. I think as a result of that I am comfortable with just about anybody, including ministers, which you are, and also took, at an early age, a particular interest in how our society works. You can imagine, as a child, my reaction to residential schools, for example. We did have one in Norway House and I was quite appalled at the thought of these children being taken from their parents at that early age.

I had a mother who was Icelandic and believed in education, and so I attended the University of Manitoba, after living in Winnipeg with a family while I attended high school, and I graduated with a bachelor of arts degree at the age of 20.

I then went to Toronto and lived there for 20 years in a highly urban environment in the downtown parts of Toronto, and only moved to the southeast region when I was pleased to accept being hired to be the administrator at the Rideau Regional Centre in Smiths Falls. Briefly, I have lived in northern, rural and urban environments and I think I understand the differences and the commonalities that those environments bring for people.

In my career I worked as a child care worker for a children's aid society receiving centre, an insurance company doing rate adjustments for group clients, and I was a house parent for juvenile young offenders for about a year and a half. During these early job experiences, again, I took a great interest in those people who had special needs. I joined the OPS in 1966 as a probation officer, and at that time, of course, we were serving juvenile delinquents. Again, I saw the need for strong communities and families to reach out and guide these children and troubled teens. In those days, children as young as seven could be sent to training school, and I was proud to be a part of the closure of so many training schools across this great province and the introduction of community corrections for our children and young adolescents.

During this time I guess I was known as a probation officer, as a supervising probation officer, as the superintendent of Syl Apps Youth Centre, and as someone highly committed to community corrections. I also became very experienced in terms of developing teams, not just within the service itself, but also with other agencies, families and groups.

I am proud to say that I developed, with a Ministry of Education employee at Lakeview secondary school, the first life skills program for children that was actually operated in a school, and at the end of the year, the 10 children we provided care for were noted by most teachers as not the right people to put in this program. Well, I can certainly assure you that they would not have reached November 15 without that support in that high school. Many of them went on to graduate, perhaps not all, but many. That is where I get my belief in community corrections, that we need systems where people can grow and develop and get the support and assistance they need to do this.

0950

At the same time, let me be very clear that I do believe that people must take personal responsibility for their actions and that everything that you do with people is to encourage them to take that responsibility and to become law-abiding citizens. As a result of my participation in addressing this need, I was seconded to the position of superintendent of Syl Apps Youth Centre. Some of you may be aware of the centre—it's in Oakville—and it had secure treatment as well as secure custody and secure

detention. During that time, I worked hard within the institutional framework to find ways within a protected environment that we could help young offenders to return to the community and live crime-free lives. That was our mission and that was our vision for those children coming out of that centre.

No matter how difficult the circumstances are or the behaviour of a child is, I do believe that it is our job to mitigate against these circumstances, to the best of our abilities, to create a better and safer society.

I left Syl Apps Youth Centre after three years. I was unhappy leaving Syl Apps; it was my decision to leave Syl Apps because my husband was moving to Ottawa for a position in that great city. As a result of that, I applied for the position and was successful in winning the competition to become the administrator of Rideau Regional Centre in Smiths Falls in 1986. I am sure that most of you are well aware of this and other institutions of its nature across this province. The mission was to downsize Rideau Regional Centre and see residents return to their home, communities and families and receive care in a community-based setting. You can begin to see some themes here for me around the importance of strong communities that support their citizens.

During that time, I think I had a reputation for being a progressive administrator, both internally and externally. Internally, we introduced personal service plans into an institutional setting, which was the first time that this had ever been attempted in an institution. Prior to that, the independent assessment plans were focusing on the disability side of people, and not their strengths and not their interests. As a result of that, we saw a tremendous change in many of the residents living there at Rideau Regional Centre through the introductions of these personal service plans and the ability of teams to provide those services and involve the community in those plans.

Additionally, of course, in a downsizing institution, we all at times face having to make difficult decisions. I'm proud to say that we worked with the union, OPSEU obviously, at the local level to try to mitigate against the psychological and, of course, the job loss that comes with the downsizing of an institution. We were the only institution in Ontario to have the Quality of Working Life Centre at that time instituted by Premier Davis to work with us as consultants in developing ways that we could provide a better work life for the staff working at Rideau Regional Centre. You can again see that it is not just about the patients you serve or the people you serve or the residents you serve; it is also about the workers and the people who carry out that work. I learned the importance of providing those supports to people, and we were very successful at Rideau during that period of time.

I left the Ontario public service on an early retirement package about 11 years ago and since that time I started my own little company. During the last number of years, I have worked as an interim executive director of an agency for adults and children with autism, so I'm highly familiar with some of the challenges we face with children and people with autism.

I also did an interim directorship of an agency in Kingston which was suffering from some management problems and saw, with the introduction of a new management team, the successful conclusion of a rather difficult collective bargaining process. That was a four-month appointment, but I can tell you it was intense.

After that, I went on to become the administrator of Lanark Lodge in Perth, Ontario. I have an in-depth knowledge of the long-term-care system and was introduced, to some extent, to the role of the community care access centres, so I have a good understanding of what they do.

In closing, I think that I'm a hard-working individual, and I will give my heart and soul if I am appointed to the South East LHIN.

The Chair (Mrs. Julia Munro): Thank you very much. We'll begin with M^me^ Gélinas.

M^me^ France Gélinas: Welcome to Queen's Park. I was interested in your resumé. It is very varied. With most of your background being in corrections and not in health care, I want to make sure you understand the immensity of the responsibilities that are on the South East LHIN that you're about to join.

Ms. Wynn Turner: I do. I would point out to you that I left corrections in 1986. That was 20 years ago. I would say that in terms of people with disabilities who lived in institutions, I learned a tremendous amount about the importance of good clinical practice as well as environmental concerns.

M^me^ France Gélinas: LHINs are embarking right now on a number of different tasks, depending on the specific LHIN, but they're looking at integration. They have the power to issue integration orders, which means that some services may be displaced, offered differently. I will give you an example: A hospital in your community has had a physiotherapy department for a long time. They have a difficult time managing within their budget, so they've decided to divest themselves of the physiotherapy because there is a private physio in their community who can provide the service. This is being presented to your LHIN. What do you see as decision points?

Ms. Wynn Turner: First of all, to move outside that particular question related to the provision of physiotherapy services, there are other examples where profit-making organizations deliver services, such as long-term care. We have many long-term-care homes which are in fact run by profit-making organizations. However, there are strict regulations and expectations of those groups. I think the important thing is that people receive the physiotherapy that they need and that qualified people provide that with the appropriate regulation.

M^me^ France Gélinas: Do you figure that everybody in Ontario can afford private physiotherapy treatment?

Ms. Wynn Turner: It's my understanding that it should be provided by OHIP. I might be wrong there.

M^me^ France Gélinas: You are wrong. Once it is private, then people have to pay for the service. When it was offered in the hospital, it would have been paid for by the Ministry of Health. But if the hospital doesn't

provide the service anymore, then in the private physiotherapy clinic in your community, people have to pay for it.

Ms. Wynn Turner: I strongly believe that physiotherapy, having just gone through some after breaking a leg two years ago, is very, very important to people recovering and that people should not have to pay for that service, regardless of where it is delivered.

M^me^ France Gélinas: How do you reconcile this position, where you're in support of for-profit nursing homes but you're not in support of for-profit physiotherapy?

Ms. Wynn Turner: I didn't say I was in support. It's not my role to be in support or not in support of profit-making organizations; it is simply to say that they do exist. This is a decision made by the Legislature and not at the LHIN level. It is our job to carry out, within those expectations, decisions that will create the best health care environment and best health care services in that area.

1000

M^me^ France Gélinas: It will be your job if new long-term-care beds are put out for tender in your community. They may very well be not-for-profit groups and for-profit groups that bid for those beds. So it is not some mysterious decision made by people unknown; it will be your decision to make, with your sets of values.

Ms. Wynn Turner: Yes, and those sets of values would rest on whether those bids in fact were acceptable in terms of providing care. It is not a question of for-profit or not-for-profit. To me, it is a question of, can that organization deliver the very best services? I would tend, having worked in a municipal home, to believe that a not-for-profit agency system is superior simply because their mission is to provide care and not create profit. But we do in fact have a system in Ontario which has been around for a long time where, everybody at this table knows, we have for-profit organizations that are interested in those bids and have a right to bid.

M^me^ France Gélinas: I would caution you to be careful. Medicare is a fundamental value to the people of Canada and, I would say, to Ontarians, and medicare means that care is accessible based on need, not on ability to pay. In your position at the LHIN, you will be confronted with privatization of the margin of the health care system moving closer and closer in to the core of the health care system.

The present government certainly talks about protecting medicare, but it has devolved those responsibilities to people like you, to people at the LHIN level, and it is a very important responsibility. How do you balance fiscal responsibility? Your agencies have to live within their budget, yet make sure that medicare remains accessible for people who need it, no matter their ability to pay.

So when you take on this job, make sure—sure, long-term care is an area where we have allowed for-profit, but in hospital services, in community care, in primary care, in a lot of our health care system, medicare has stayed true to itself, where it is not-for-profit and it is based on need—as the government devolves those powers to you, that you are a steward of this and that you protect medicare. It is now on your shoulders to do that.

Ms. Wynn Turner: I will take your comments under advisement. Thank you.

The Chair (Mrs. Julia Munro): We have time for one statement.

Mrs. Liz Sandals: I'm actually quite delighted with the experience that you've had working with community support for children who are at risk in one way or another or adults with special challenges and looking at the supports we put in place. I think that's a wonderful background, in addition to your long-term-care background, to be bringing to the LHIN, so that as we expand community service for health, you've got that perspective.

The Chair (Mrs. Julia Munro): Ms. MacLeod.

Ms. Lisa MacLeod: Welcome. My colleague Randy Hillier, who is your MPP, wishes he could be here. He's actually speaking to Bill 77 on developmental services this morning, and he felt that was very important. He did ask me to wish you good luck.

There are unique challenges in your community, in that particular LHIN, and I know we could have a long discussion about the Rideau Regional Centre, which impacts my community.

I know that you're doing work with autistic children, which is very important to us in eastern Ontario, and I do appreciate the work that you're doing with long-term-care facilities, because we have a critical shortage in the city of Ottawa, which impacts the rest of eastern Ontario.

With that said, I just want to congratulate you. The official opposition will be supporting your candidacy. Again, my colleague Randy Hillier wishes you good luck.

Ms. Wynn Turner: Thank you very much.

The Chair (Mrs. Julia Munro): That concludes the questions from the committee. We appreciate your participation here today.

Members, I'd ask you now to proceed with concurrences.

We will now consider the intended appointment of Maureen Armstrong, intended appointee as member, Office for Victims of Crime.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Maureen Armstrong.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mr. Michael A. Brown: Recorded vote.

Ayes

Brown, Gélinas, MacLeod, Qaadri, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

We will now consider the intended appointment of Wynn Turner, intended appointee as member, South East Local Health Integration Network.

Mrs. Maria Van Bommel: I would move the concurrence of the appointment of Wynn Turner.

The Chair (Mrs. Julia Munro): Concurrence in the appointment has been moved by Mrs. Van Bommel. Any discussion?

Mrs. Liz Sandals: Recorded vote, please.

The Chair (Mrs. Julia Munro): Thank you. Any other discussion? If not, all in favour?

Ayes

Brown, Gélinas, MacLeod, Qaadri, Ramsay, Sandals, Van Bommel.

The Chair (Mrs. Julia Munro): The motion is carried.

That concludes our business on intended appointments. At this time, then, no other business?

I would just remind you that next week—the next meeting will be at the call of the Chair. We are adjourned.

The committee adjourned at 1005.

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